FEDERAL REGISTER

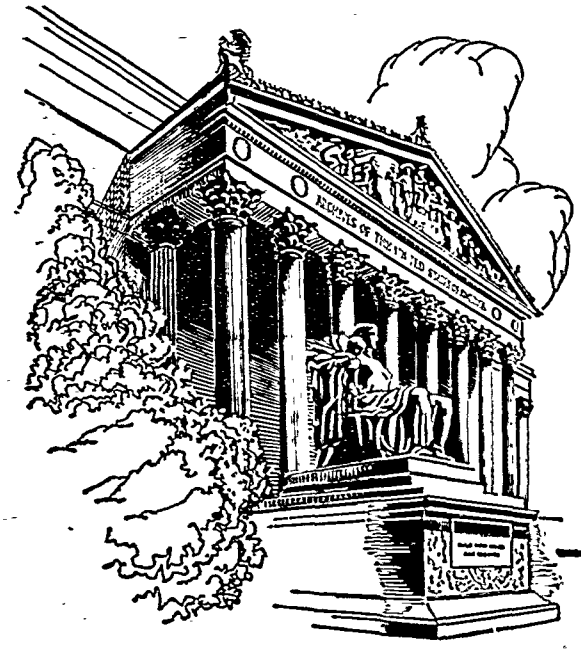
VOLUME 35 • NUMBER 236

Saturday, December 5, 1970 • Washington, D.C.

Pages 18499–18573

Agencies in this issue—

Detailed list of Contents appears inside.



FEDERAL REGISTER

Area Code 202 Phone 962-8626

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., Ch. 15), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $2.50 per month or $25 per year, payable in advance. The charge for individual copies is 20 cents for each issue, or 20 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended (44 U.S.C. 1510). The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Contents

(Continued on next page)

List of CFR Parts Affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1970, and specifies how they are affected.

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 352—REEMPLOYMENT RIGHTS

Subpart C—Detail and Transfer of Federal Employees to International Organizations

AUTHORITY

In the citation of authority for Subpart C, Detail and Transfer of Federal Employees to International Organizations, published at 35 F.R. 16525, the reference to "E.O. 10804; 3 CFR, 1959–1963 Comp., p. 328", should read "E.O. 11552; 35 F.R. 13569."

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 70-16337; Filed, Dec. 4, 1970; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 457]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.757 Lemon Regulation 457.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on December 1, 1970.

(b) Order. (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period December 6, 1970, through December 12, 1970, are hereby fixed as follows:

(i) District 1: 35,000 cartons;
(ii) District 2: 60,000 cartons;
(iii) District 3: 120,000 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 2, 1970.

ARTHUR E. BROWNE,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 70-16443; Filed, Dec. 4, 1970; 8:51 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER C—EXPORT PROGRAMS

[Amdt. 4]

PART 1483—WHEAT AND FLOUR

Subpart—Wheat Export Program (GR–345) Terms and Conditions

MISCELLANEOUS AMENDMENTS

The terms and conditions of the Wheat Export Program (GR–345) (32 F.R. 14739 and 32 F.R. 16251 as amended by 33 F.R. 10185, 34 F.R. 6768 and 34 F.R. 9546) are hereby amended as follows:

1. In § 1483.112, paragraph (c) is amended by deleting, wherever they appear, the words "in any form or product."

2. In § 1483.116, paragraph (d) is amended by deleting, wherever they appear, the words "in any form or product" and by deleting the entire second sentence.

3. Sections 1483.132(e), 1483.139(f), 1483.152(c), 1483.156(d), 1483.176(a), and 1483.178(b) (1) and (2) are amended by deleting, wherever they appear, the words "in any form or product."

(Secs. 4, 5, 62 Stat. 1070, 1072, sec. 102, 68 Stat. 454, as amended, sec. 407, 63 Stat. 1051, as amended; 15 U.S.C. 714 b, c, 7 U.S.C. 1702, 7 U.S.C. 1427)

Effective date. This amendment shall become effective on the date of its publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on November 30, 1970.

CLIFFORD G. PULVERMACHER,
Vice President, Commodity Credit Corporation and General Sales Manager, Export Marketing Service.

[F.R. Doc. 70-16401; Filed, Dec. 4, 1970; 8:50 a.m.]

[Amdt. 3]

PART 1483—WHEAT AND FLOUR

Subpart—Flour Export Program (GR–346) Terms and Conditions

MISCELLANEOUS AMENDMENTS

The terms and conditions of the Flour Export Program (GR–346) Revision II (33 F.R. 15633 and 33 F.R. 16071 as amended by 34 F.R. 609 and 34 F.R. 6769) are hereby amended as follows:

1. In § 1483.232, paragraph (c) is amended by deleting, wherever they appear, the words "in any form or product."

2. In § 1483.239, paragraph (f) is amended by deleting, wherever they appear, the words "in any form or product"

and by deleting the entire second sentence.

3. In § 1483.276, paragraph (a) is amended by deleting, wherever they appear, the words "in any form or product."

4. In § 1483.278, paragraphs (a) and (b) (1) and (2) are amended by deleting, wherever they appear, the words "in any form or product."

(Secs. 4 and 5, 62 Stat. 1070 and 1072, sec. 102, 68 Stat. 454, as amended; 15 U.S.C. 714 b and c, 7 U.S.C. 1702)

Effective date. This amendment shall become effective on the date of its publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on November 30, 1970.

CLIFFORD G. PULVERMACHER,
Vice President, Commodity Credit Corporation and General Sales Manager, Export Marketing Service.

[F.R. Doc. 70-16400; Filed, Dec. 4, 1970; 8:50 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. 70-466]

PART 563—OPERATIONS

Maintenance of Appraisal Records by Insured Institutions

DECEMBER 1, 1970.

Resolved that the Federal Home Loan Bank Board considers it desirable to amend § 563.17-1 of the Rules and Regulations for Insurance of Accounts (12 CFR 563.17-1) for the purpose of making an exception, in the case of an insured loan or a guaranteed loan, to the requirements for maintenance of appraisal records by insured institutions, so as to require maintenance in such cases of only the appraisal furnished by the insuring or guaranteeing agency. Accordingly, the Federal Home Loan Bank Board hereby amends said section by revising subdivision (iii) of subparagraph (1) of paragraph (c) thereof, to read as follows, effective December 5, 1970:

§ 563.17-1 Examinations and audits; appraisals; establishment and maintenance of records.

* * * * *

(c) *Establishment and maintenance of records.* * * *

(1) *Records with respect to loans on the security of real estate.* The records of an insured institution with respect to each loan which such institution makes on the security of real estate shall include:

* * * * *

(iii) One or more written appraisal reports, prepared and signed, prior to the approval of such application, by a person or persons duly appointed and qualified as appraiser or appraisers by the board of directors of such institution, disclosing the market value of the security offered by the applicant and containing sufficient information and data concerning the appraised property to substantiate the market value of the security described in such report; or if such loan is an insured loan or a guaranteed loan, a certification of the valuation assigned to the real estate security by the appraiser accepted by the insuring or guaranteeing agency and furnished to the institution by such agency;

* * * * *

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-48 Comp., p. 1071)

Resolved further that, since the above amendment grants exemption from an existing requirement, the Board hereby finds that notice and public procedure with respect to said amendment are unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and since publication of said amendment for the period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of said amendment would in the opinion of the Board likewise be unnecessary for the same reason, the Board hereby provides that said amendment shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] JOSEPH F. SCHRAM,
Assistant Secretary.

[F.R. Doc. 70-16402; Filed, Dec. 4, 1970; 8:51 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 70-CE-83]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On pages 14560 and 14561 of the FEDERAL REGISTER dated September 17, 1970, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Burwell, Nebr.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the amendment as so proposed is hereby adopted, subject to the following change: The coordinates recited in the Burwell, Nebr., Municipal Airport transition area designation as "latitude 41°46'30" N., longitude 99°09'00"" are changed to read "latitude 41°46'35" N., longitude 99°08'55" W.".

This amendment shall be effective 0901 G.m.t., February 4, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on November 18, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

In § 71.181 (35 F.R. 2134), the following transition area is added:

BURWELL, NEBR.

That airspace extending upward from 700 feet above the surface within a 7½-mile radius of Burwell Municipal Airport (latitude 41°46'35" N., longitude 99°08'55" W.); and within 3 miles each side of the 330° bearing from the Burwell Municipal Airport, extending from the 7½-mile-radius area to 8 miles northwest of the airport, and that airspace extending upward from 1,200 feet above the surface within 4½ miles northeast and 9½ miles southwest of the 330° bearing from the Burwell Municipal Airport, extending from the airport to 18½ miles northwest of the airport.

[F.R. Doc. 70-16382; Filed, Dec. 4, 1970; 8:49 a.m.]

[Airspace Docket No. 70-CE-84]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 14327 of the FEDERAL REGISTER dated September 11, 1970, the Federal Aviation Administration proposed a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Millard, Nebr.

Interested persons were given 45 days to submit written comments, suggestions, and objections concerning the proposed amendment, three comments were received. The Air Transport Association offered no objection to the proposed amendment. The Department of the Air Force objected to the proposal on the grounds that the proposed transition area would cause conflictions with Offutt Air Force Base instrument approach procedures. While the Agency agrees that simultaneous operations could not be conducted at Offutt Air Force Base and the Millard Airport, the instrument approach procedures at both locations will be controlled by the Omaha RAPCON. This factor together with the limited amount of IFR traffic at Millard Airport should have a negligible effect on IFR traffic at Offutt Air Force Base. Consequently, the Agency does not believe that the Air Force's objection is well taken. An airport owner/manager also objected to the proposal for the reason that the proposed designation included the allotment of airspace over a populated area. The Federal Aviation Administration does not consider this objection valid

since designated airspace over a populated area enhances rather than derogates against safety. Accordingly, the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall become effective G.m.t., February 4, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on November 18, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

In § 71.181 (35 F.R. 2134, the following transition area is added:

MILLARD, NEBR.

That airspace extending upward from 700 feet above the surface within a 6½-mile radius of the Millard Municipal Airport (41° 11'45" N., longitude 96°06'45" W.); and within 3 miles each side of the 314° bearing from the Millard Municipal Airport extending from the 6½-mile radius area to 8 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface within 9½ miles southwest and 4½ miles northeast of the 314° bearing from the Millard Municipal Airport extending from the airport to 18½ miles northwest of the airport excluding the portions which overlie the Omaha and Lincoln, Nebr., transition areas.

[F.R. Doc. 70-16383; Filed, Dec. 4, 1970; 8:49 a.m.]

[Airspace Docket No. 70-CE-86]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 14561 of the FEDERAL REGISTER dated September 17, 1970, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Nevada, Mo.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the amendment as so proposed is hereby adopted, subject to the following change: The coordinates recited in the Nevada, Mo., transition area designation as "latitude 37°51'00" N., longitude 94°18'00" W." are changed to read "latitude 37° 51'10" N., longitude 94°18'05" W.".

This amendment shall be effective 0901 G.m.t., February 4, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on November 18, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

In § 71.181 (35 F.R. 2134), the following transition area is added:

NEVADA, MO.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Nevada Municipal Airport (latitude 37°51'10" N., longitude 94°18'05" W.); and within 3 miles each side of the 037° bearing from the Nevada Municipal Airport extending from the 7-mile-radius area to 8 miles Northeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles Southeast and 9½ miles Northwest of the 037° and 217° bearings from Nevada Municipal Airport, extending from 3 miles Southwest to 18½ miles Northeast of the airport, excluding the portion which overlies the Grandview, Mo., 1,200-foot floor transition area.

[F.R. Doc. 70-16384; Filed, Dec. 4, 1970; 8:49 a.m.]

[Airspace Docket No. 70-CE-87]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 14935 of the FEDERAL REGISTER dated September 25, 1970, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Newberry, Mich.

Interested persons were given 45 days to submit the written comments, suggestions and objections concerning the proposed amendment. Two comments were received. The Air Transport Association offered no objection to the proposed designation. The Department of the Air Force objected to the proposal unless the FAA could assure it that the instrument approaches to the Luce County Airport, Newberry, Mich., would not interfere with two SAC oil burner routes which operate in this area. The Air Force advises that their training program cannot afford delays and interference in oil burner activity on these routes. The FAA has reviewed the proposal in light of the Air Force's comment. Control of the oil burner routes and approach control procedures at Newberry will be accomplished by the Minneapolis Air Route Traffic Control Center. With this control the Air Force can be assured that no instrument approach procedures will be permitted at Newberry during oil burner operations. Therefore the agency believes the Air Force's concern has been satisfied. Accordingly, the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., February 4, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on November 24, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

In § 71.181 (35 F.R. 2134), the following transition area is added:

NEWBERRY, MICH.

That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Luce County Airport (latitude 46°18'30" N., longitude 85°27'00" W.); within 3 miles each side of the 301° bearing from Luce County Airport, extending from the 6½-mile radius to 8 miles northwest of the airport; and within 3 miles each side of the 103° bearing from Luce County Airport, extending from the 6½-mile radius area to 8 miles east of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles northeast and 9½ miles southwest of the 301° and 121° bearings from Luce County Airport, extending from 3 miles southeast to 18½ miles northwest of the airport; and within 4½ miles north and 9½ miles south of the 103° bearing from Luce County Airport extending from the airport to 18½ miles east of the airport, excluding the portion which overlies the Sault Ste Marie, Mich., transition area.

[F.R. Doc. 70-16385; Filed, Dec. 4, 1970; 8:49 a.m.]

[Airspace Docket No. 70-CE-93]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On pages 15404 and 15405 of the FEDERAL REGISTER dated October 2, 1970, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Dexter, Mo.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., February 4, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on November 24, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

In § 71.181 (35 F.R. 2134), the following transition area is added:

DEXTER, MO.

That airspace extended upward from 700 feet above the surface within an 8½-mile radius of the Dexter Municipal Airport (latitude 36°46'30" N., longitude 89°56'30" W.); and that airspace extending upward from 1,200 feet above the surface within 4½ miles west and 9½ miles east of the 180° bearing from Dexter Municipal Airport extending from the airport to 18½ miles south of the airport, excluding the portion which overlies the Malden, Mo., transition area.

[F.R. Doc. 70-16386; Filed, Dec. 4, 1970; 8:49 a.m.]

[Airspace Docket No. 70-CE-94]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the transition area at Allegan, Mich.

U.S. Standard for Terminal Instrument Procedures (TERPS) became effective November 18, 1967, and was issued only after extensive consideration and discussion with Government agencies concerned and affected industry groups. TERPS updates the criteria for the establishment of instrument approach procedures in order to meet the safety requirements of modern day aviation and to make more efficient use of the airspace possible. As a result, the criteria for designation of controlled airspace for the protection of these procedures were modified to conform to TERPS. The new criteria requires minor alteration of the Allegan, Mich., transition area. Action is taken herein to reflect this change.

Since changes in most, if not all, existing airspace designations are required in order to achieve the increased safety and efficient use of the airspace that TERPS is designed to accomplish and since these changes are minor in nature, notice and public procedure hereon have been determined to be both unnecessary and impracticable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., February 4, 1971, as hereinafter set forth:

In § 71.181 (35 F.R. 2134), the following transition area is amended to read:

ALLEGAN, MICH.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Padgham Field Airport (latitude 42°31' 55" N., longitude 85°49'45" W.); and within 2½ miles each side of the 072° radial of the Pullman VORTAC, extending from the 7-mile-radius area to 22 miles east of the VORTAC, excluding the portion which overlies the Battle Creek, Michigan 700-foot floor transition area.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on November 18, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 70-16387; Filed, Dec. 4, 1970; 8:50 a.m.]

[Airspace Docket No. 70-CE-90]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On page 14936 of the FEDERAL REGISTER dated September 25, 1970, the Federal Aviation Administration published a notice of proposed rule making which would amend §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Fort Wayne, Ind.

Interested persons were given 45 days to submit written comments, suggestions or objections concerning the proposed comment. Seventeen comments were received. The Air Transport Association concurred in the proposed amendment. The remaining 16 comments objected to that portion of the enlarged 700-foot floor transition area which would overlie the city of Decatur, Ind., the Decatur Indiana Airport and the Gage Airport for the reason that this airspace might increase the number of low flying, high-performance aircraft in those locales. The FAA has reviewed the proposal in light of these objections and has determined that the instrument approach procedures at Baer Field which required the enlargement of the transition area can be altered so as to eliminate the necessity for any additional airspace in the Decatur, Ind., vicinity. Accordingly, these instrument procedures are being altered and that portion of the 700-foot floor transition area which would overlie Decatur, Ind., will be changed to redesignate it as it was originally described prior to the issuance of the proposal.

In addition it is necessary to make a slight change to the Baer Field Airport coordinates from those set forth in the proposal. Therefore, a Final Rule is being issued containing the modifications specified herein.

Since this change to the 700-foot floor transition area reduces the amount of airspace as proposed in the notice and calls for a minor correction of airport coordinates, it imposes no additional burden on any person with the result that notice and public procedure hereon are unnecessary and these changes may be accomplished by final rule action.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., February 4, 1971, as hereinafter set forth:

(1) In § 71.171 (35 F.R. 2054), the following control zone is amended to read:

FORT WAYNE, IND.

Within a 5-mile radius of Baer Field (latitude 40°58'45" N., longitude 85°11'25" W.); within 3 miles each side of the Fort Wayne VORTAC 229° radial, extending from the 5-mile-radius zone to 8½ miles southwest of the VORTAC; within 3 miles each side of the Fort Wayne VORTAC 320° radial, extending from the 5-mile-radius zone to 8½ miles northwest of the VORTAC; within 3 miles each side of the Fort Wayne VORTAC 038° radial, extending from the 5-mile-radius zone to 8½ miles northeast of the VORTAC; and within 3½ miles each side of the Fort Wayne VORTAC 265° radial, extending from the 5-mile-radius zone to 10 miles west of the VORTAC.

(2) In § 71.181 (35 F.R. 2134), the following transition area is amended to read:

FORT WAYNE, IND.

That airspace extending upward from 700 feet above the surface within a 17-mile radius of Fort Wayne VORTAC; and within an 18½-mile radius of Fort Wayne VORTAC, extending from the Fort Wayne VORTAC 194° radial clockwise to the Fort Wayne VORTAC 335° radial; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 41°45'40" N., longitude 84°50'00" W., to latitude 41°48'10" N., longitude 84°50'00" W., to latitude 41°48'00" N., longitude 84°46'00" W., to latitude 41°44'00" N., longitude 84°28'00" W., to latitude 41°32'00" N., longitude 84°31'00" W., to latitude 41°21'00" N., longitude 84°40'00" W., to latitude 40°46'00" N., longitude 84°40'00" W., to latitude 40°31'30" N., longitude 84°48'15" W., thence along the Indiana State boundary to the point of beginning.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on November 24, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 70-16388; Filed, Dec. 4, 1970; 8:50 a.m.]

[Airspace Docket No. 70-CE-114]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the control zone and transition area at Sioux Falls, S. Dak.

U.S. Standard for Terminal Instrument Procedures (TERPS) became effective November 18, 1967, and was issued only after extensive consideration and discussion with Government agencies concerned and affected industry groups. TERPS updates the criteria for the establishment of instrument approach procedures in order to meet the safety requirements of modern day aviation and to make more efficient use of the airspace possible. As a result, the criteria for designation of controlled airspace for the protection of these procedures were modified to conform to TERPS. The new criteria requires minor alteration of the control zone and transition area at Sioux Falls, S. Dak. Action is taken herein to reflect these changes.

Since changes in most, if not all, existing airspace designations are required in order to achieve the increased safety and efficient use of the airspace that TERPS is designed to accomplish and since these changes are minor in nature, notice and public procedure hereon have been determined to be both unnecessary and impracticable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., February 4, 7971, as hereinafter set forth:

(1) In § 71.171 (35 F.R. 2054), the following control zone is amended to read:

SIOUX FALLS, S. DAK.

Within a 5-mile radius of Joe Foss Field (latitude 43°34'55" N., longitude 96°44'35" W.); within 2 miles each side of the Sioux Falls VORTAC 156° radial extending from

the 5-mile-radius zone to 10 miles southeast of the VORTAC.

(2) In § 71.181 (35 F.R. 2134) the following transition area is amended to read:

SIOUX FALLS, S. DAK.

That airspace extending upward from 700 feet above the surface within a 10-mile radius of Joe Foss Field (latitude 43°34'55" N., longitude 96°44'35" W.); within 9½ miles southwest and 4½ miles northeast of the Sioux Falls VORTAC 336° radial, extending from the 10-mile-radius area to 18½ miles northwest of the VORTAC; and within 9½ miles northwest and 4½ miles southeast of the Sioux Falls ILS localizer northeast course, extending from the 10-mile radius area to 23 miles northeast of the airport; and that airspace extending from 1,200 feet above the surface within a 27-mile radius of the Sioux Falls VORTAC extending from the VORTAC 054° radial clockwise to the Sioux Falls ILS localizer southwest course; within a 25-mile radius of the Sioux Falls VORTAC extending from the Sioux Falls ILS localizer southwest course clockwise to the VORTAC 004° radial; and within a 13-mile radius extending from the Sioux Falls VORTAC 004° radial clockwise to the Sioux Falls VORTAC 054° radial; and that airspace extending upward from 4,000 feet MSL north of Sioux Falls bounded on the north by V-26S, on the southeast by V-148 and on the southwest by V-15; within a 50-mile radius of Sioux Falls VORTAC, extending from the south edge of V-148S east of Sioux Falls clockwise to the northwest edge of V-148 west of Sioux Falls; and within a 55-mile radius of the Sioux Falls VORTAC, extending from the northwest edge of V-148 west of Sioux Falls clockwise to the south edge of V-120 west of Sioux Falls.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on November 24, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 70-16389; Filed, Dec. 4, 1970; 8:50 a.m.]

[Airspace Docket No. 70-CE-119]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the control zone and transition area at Cape Girardeau, Mo.

U.S. Standard for Terminal Instrument Procedures (TERPS) became effective November 18, 1967, and was issued only after extensive consideration and discussion with Government agencies concerned and affected industry groups. TERPS updates the criteria for the establishment of instrument approach procedures in order to meet the safety requirements of modern day aviation and to make more efficient use of the airspace possible. As a result, the criteria for designation of controlled airspace for the protection of these procedures were modified to conform to TERPS. The new criteria requires minor alteration of the control zone and transition area at Cape Girardeau, Mo. Action is taken herein to reflect these changes.

Since changes in most, if not all, existing airspace designations are required in order to achieve the increased safety and efficient use of the airspace that TERPS is designed to accomplish and since these changes are minor in nature, notice and public procedures hereon have been determined to be both unnecessary and impracticable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., February 4, 1971, as hereinafter set forth:

(1) In § 71.171 (35 F.R. 2054), the following control zone is amended to read:

CAPE GIRARDEAU, MO.

Within a 5-mile radius of Cape Girardeau Municipal Airport (latitude 37°13'30" N., longitude 89°34'10" W.), within 2½ miles each side of the Cape Girardeau VOR 194°, 036° and 279° radials, extending from the 5-mile radius to 6½ miles south-northeast and west of the VOR.

(2) In § 71.181 (35 F.R. 2134), the following transition area is amended to read:

CAPE GIRARDEAU, MO.

That airspace extending upward from 700 feet above the surface within a 10-mile radius of Cape Girardeau Municipal Airport (latitude 37°13'30" N., longitude 89°34'10" W.), within 4½ miles east and 9½ miles west of the Cape Girardeau VOR 194° radial, extending from the 10-mile radius area to 18½ miles south of the VOR; and within 4½ miles north and 9½ miles south of the Cape Girardeau VOR 279° radial, extending from the 10-mile radius area to 18½ miles west of the VOR, excluding the portion which overlies the Sikeston, Mo., transition area.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on November 18, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 70-16390; Filed, Dec. 4, 1970; 8:50 a.m.]

[Docket No. 10715; Amdt. 732]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (358 F.R. 5610).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20590. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue SW., Washington, DC 20590, or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $125 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by establishing, revising, or canceling the following VOR-VOR/DME SIAPs, effective December 31, 1970:

Alliance, Nebr.—Alliance Municipal Airport; VOR Runway 12, Amdt. 2; Revised.
Alliance, Nebr.—Alliance Municipal Airport; VOR Runway 30, Amdt. 5; Revised.
Anniston, Ala.—Anniston-Calhoun County Airport; VOR-A, Amdt. 1; Revised.
Big Spring, Tex.—Howard County Airport; VOR Runway 16, Amdt. 8; Revised.
Bridgeport, Tex.—Bridgeport Municipal Air Strip; VOR-1, Original; Canceled.
Corpus Christi, Tex.—International Airport; VOR Runway 17, Amdt. 15; Revised.
Farmington, N. Mex.—Farmington Municipal Airport; VOR Runway 23, Amdt. 3; Revised.
Farmington, N. Mex.—Farmington Municipal Airport; VOR Runway 25, Amdt. 1; Revised.
Kearney, Nebr.—Kearney Municipal Airport; VOR Runway 18, Amdt. 4; Revised.
Kearney, Nebr.—Kearney Municipal Airport; VOR Runway 36, Amdt. 1; Revised.
Missoula, Mont.—Johnson-Bell Field; VOR-A, Amdt. 11; Revised.
Pontiac, Mich.—Oakland-Pontiac Airport; VOR Runway 9, Amdt. 12; Revised.
Norfolk, Va.—Norfolk Regional Airport; VOR Runway 4, Amdt. 7; Revised.
Norfolk, Va.—Norfolk Regional Airport; VOR Runway 13, Original; Established.
Saratoga, N.Y.—Saratoga County Airport; VOR-A, Original; Established.
Tallahassee, Fla.—Tallahassee Municipal Airport; VOR Runway 18, Amdt. 2; Revised.
Vineland, N.J.—Kroelinger Airport; VOR Runway 28, Amdt. 4; Revised.
Watertown, S. Dak.—Watertown Municipal Airport; VOR Runway 17, Amdt. 8; Revised.
Willmar, Minn.—Willmar Municipal Airport; VOR Runway 10, Amdt. 2; Revised.

Bedford, Ind.—Virgil I. Grissom Municipal Airport; VOR/DME Runway 13, Amdt. 1; Revised.
Brookhaven, Miss.—Brookhaven Municipal Airport; VOR/DME-A, Amdt. 1; Revised.
Farmington, N. Mex.—Farmington Municipal Airport; VOR/DME No. 1, Amdt. 1; Canceled.
Farmington, N. Mex.—Farmington Municipal Airport; VOR/DME Runway 5, Amdt. 3; Revised.
Norfolk, Va.—Norfolk Regional Airport; VOR/DME Runway 22, Amdt. 1; Revised.
Norfolk, Va.—Norfolk Regional Airport; VOR/DME Runway 31, Original; Established.
Watertown, S. Dak.—Watertown Municipal Airport; VOR/DME Runway 35, Amdt. 3; Revised.

2. Section 97.25 is amended by establishing, revising, or canceling the following LOC-LDA SIAPs, effective December 31, 1970:

Norfolk, Va.—Norfolk Regional Airport; LOC/DME (BC) Runway 22, Amdt. 1; Revised.

3. Section 97.27 is amended by establishing, revising, or canceling the following NDB/ADF SIAPs, effective December 31, 1970:

Alliance, Nebr.—Alliance Municipal Airport; NDB Runway 30, Amdt. 3; Revised.
Anniston, Ala.—Anniston-Calhoun County Airport; NDB Runway 5, Amdt. 6; Revised.
Cadillac, Mich.—Cadillac Airport; NDB Runway 7, Amdt. 1; Revised.
Easton, Md.—Easton Municipal Airport; NDB Runway 22, Amdt. 1; Revised.

4. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAPs, effective December 31, 1970:

Allentown, Pa.—Allentown-Bethlehem-Easton Airport; ILS Runway 6, Amdt. 14; Revised.
Norfolk, Va.—Norfolk Regional Airport; ILS Runway 4, Amdt. 12; Revised.

5. Section 97.31 is amended by establishing, revising, or canceling the following Radar SIAPs, effective December 31, 1970:

Norfolk, Va.—Norfolk Regional Airport; Radar-1, Amdt. 3; Revised.

6. Section 97.33 is amended by establishing, revising, or canceling the following RNAV SIAPs, effective December 31, 1970:

Cleveland, Ohio—Cleveland Hopkins International Airport; RNAV Runway 10L, Original; Established.
Cleveland, Ohio—Cleveland Hopkins International Airport; RNAV Runway 18R, Original; Established.
Cleveland, Ohio—Cleveland Hopkins International Airport; RNAV Runway 23L, Original; Established.
Cleveland, Ohio—Cleveland Hopkins International Airport; RNAV Runway 36L, Original; Established.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c), 5 U.S.C. 552(a)(1))

Issued in Washington, D.C., on November 25, 1970.

JAMES F. RUDOLPH,
Director, Flight Standards Service.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 (35 F.R. 5610) approved by the Director of the Federal Register on May 12, 1969.

[F.R. Doc. 70-16258; Filed, Dec. 4, 1970; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

SUBCHAPTER E—RULES, REGULATIONS, STATEMENTS OF GENERAL POLICY OR INTERPRETATION AND EXEMPTIONS UNDER THE FAIR PACKAGING AND LABELING ACT

PART 501—EXEMPTIONS FROM REQUIREMENTS AND PROHIBITIONS UNDER PART 500

Cellulose Sponges of Irregular Dimension

The Federal Trade Commission on October 8, 1970 (35 F.R. 15843), proposed § 501.6 of the Fair Packaging and Labeling Act regulations which would exempt irregular cut cellulose sponges from certain of the mandatory requirements of Part 500 of the regulations. As proposed, the exemption would permit the sponges when packaged so as to be clearly visible to the retail buyer to omit dimensions from the required declaration, but would require a count statement which includes the term "irregular dimensions."

In response to an invitation to interested parties to comment, several comments were received, all of which were submitted by State or city regulatory officials. All comments were favorable with respect to the adoption of the proposal. The Commission has therefore concluded that the exemption as proposed should be adopted.

Accordingly, pursuant to the provisions of the Fair Packaging and Labeling Act (secs. 5, 6, 80 Stat. 1298, 1299, 1300; 15 U.S.C. 1454, 1455), Part 501 of Subchapter E is amended by adding the following new section:

§ 501.6 Cellulose sponges, irregular dimensions.

Variety packages of cellulose sponges of irregular dimensions, are exempted from the requirements of § 500.25 of this chapter, provided:

(a) Such sponges are packaged in transparent packages which afford visual inspection of the varied sizes, shapes, and irregular dimensions; and

(b) The quantity of contents declaration is expressed as a combination of count accompanied by the term "irregular dimensions." Example: "10 Assorted Sponges—Irregular dimensions."

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Secretary, Federal Trade Commission, Washington, D.C. 20580, written objections thereto, specifying with particularity the provisions of the order deemed objectionable, stating the grounds therefor, and requesting a public hearing upon such objections. Objections will be deemed sufficient to warrant the holding of a public hearing only: (1) If they establish that the objector will be adversely affected by the order; (2) if they specify with particularity the provisions of the order to which objection is taken; and (3) if they are supported by reasonable grounds which if valid and factually supported may be adequate to justify the relief sought. Anyone who files objections which are not deemed by the Commission sufficient to warrant the holding of a public hearing will be promptly notified of that determination.

As soon as practicable after the time for filing objections has expired, the Commission will publish a notice in the FEDERAL REGISTER specifying those parts of the order which have been stayed by the filing of objections or, if no objections sufficient to warrant the holding of a public hearing have been filed, stating the fact. This order shall become effective 30 days following the date of its publication in the FEDERAL REGISTER, except as to any provision that may be stayed by the filing of valid objections.

Issued: November 30, 1970.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 70-16403; Filed, Dec. 4, 1970; 8:51 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release No. 34-9033]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Reports To Be Made by Certain Exchange Members, Brokers, and Dealers

The Securities and Exchange Commission announced today that it has amended Rules 15c3-1 (17 CFR 240.15c 3-1) and 17a-5 (17 CFR 240.17a-5) under the Securities Exchange Act of 1934 (the Act) by adding a new paragraph (j) to 17 CFR 240.17a-5 to provide a means for assisting the Commission to obtain current financial information necessary for it to carry out its responsibilities in the public interest and for the protection of investors concerning brokers and dealers who may cease to be members in good standing of any national securities exchange specified in 17 CFR 240.15c3-1(b)(2). This rule was published for comment on September 23, 1970, in Securities Exchange Act Release No. 8984. The Commission has considered the several comments on the proposed rule which were submitted in response to that release. The rule, as

adopted herein, has been modified to reflect certain suggestions contained in the comments.

A broker or dealer which is a member in good standing of one or more such national securities exchanges is exempted from the application of the net capital requirements of 17 CFR 240.15c3–1 under the Act (net capital rule). Instead, it is subject to the capital rules of those exchanges of which it is a member. Any broker or dealer which ceases to be a member in good standing of each of the specified exchanges of which it is a member would thereby become subject to the Commission's net capital rule.

The basic purpose of the rule is to enable the Commission to obtain current financial information on the financial status of a broker or dealer as of the time it ceases to be a member in good standing of a national securities exchange specified in paragraph (b) (2) of the Commission's net capital rule. The terms used to describe the contents of the report required by the rule can be understood by reference to definitions in the Act and the usage of terms over the years in Form X–17A–5, the form of report of financial condition presently required by 17 CFR 240.17a–5. The reports the exchanges will be required to make should present no great burden; the purpose is simply to inform the Commission of the change of membership status and the existence of any actual or potential problems known to the reporting exchange.

The Commission finds that it is necessary in the public interest and for the protection of investors for the Commission to obtain current information on the financial status of such broker or dealer as of the time it may become subject to the Commission's rules regarding financial responsibility, so that the Commission may ascertain whether such broker or dealer is in financial difficulties and whether it is in compliance with applicable net capital requirements and rules for the prevention of improper use of customers' securities as collateral. To achieve this purpose, the rule provides that a broker or dealer whose membership in one of the specified exchanges is terminated or suspended or which has entered into an agreement for the sale of its membership in any such exchange, which, when consummated, would terminate such membership, shall file with the Commission within 48 hours after any such event a verified copy of its trial balance and computations of aggregate indebtedness and net capital. Such brokers and dealers are required to report the dollar amount of loans secured by customers' securities, analyzed to show the sources of all securities used as collateral for these loans and the aggregate amount of customers' debit balances as of the date of such event. The statement is to be verified by the proprietor of the broker-dealer, a general partner, or the chief executive officer, depending on the form of organization.

To meet comments which raised the likelihood that the requirement would apply to a number of situations where the report was not necessary, and concerning the difficulty of meeting the 48-hour filing requirement, a provision to exempt broker-dealers from the requirement, either conditionally or unconditionally, on request or on the Commission's own motion, was included to avoid unnecessary reports. Requests for exemption will be entertained whenever a membership interest is terminated for reasons having nothing to do with the financial or operational condition of a broker-dealer, and where the termination itself will have no particular effect on such condition. Similarly, the time for filing may be extended for good cause shown where the broker-dealer can demonstrate that he or it is in compliance with applicable financial and record-keeping requirements.

In addition, the rule requires each exchange named in 17 CFR 240.15c3–1 (b) (2) to notify the Commission directly whenever a member of such exchange ceases to be a member in good standing of such exchange.

Section 17(a) provides, among other things, for the Commission, to prescribe rules and regulations for the maintenance and preservation of books and records and the filing of reports by members of national securities exchanges and other brokers and dealers registered with this Commission under section 15 (a) of the Act. Sections 8(b) and 15(c) (3) of the Act authorize the Commission to adopt rules to provide safeguards with respect to the financial responsibility of members and other brokers and dealers. Section 8(c) authorizes the Commission to adopt rules and regulations for the protection of investors relating to the hypothecation of customer's securities. Section 23(a) authorizes the Commission to adopt rules and regulations necessary for the execution of its functions under the Act.

Statutory basis. The Securities and Exchange Commission, acting pursuant to the provisions of the Securities Exchange Act of 1934 (the Act), particularly sections 8(b), 8(c), 15(c)(3), 17(a), and 23(a) thereof, and deeming it necessary for the exercise of the functions vested in it and necessary and appropriate in the public interest and for the protection of investors, hereby amends 17 CFR 240.15c3–1 and 17 CFR 240.17a–5 under the Act by adopting 17 CFR 240.17a–5(j).

The text of § 240.17a–5(j) of Chapter II of Title 17 of the Code of Federal Regulations is as follows:

§ 240.17a–5 Reports to be made by certain exchange members, brokers, and dealers.

* * * * *

(j) (1) If a broker or dealer holding any membership interest in and subject to the capital rules of a national securities exchange whose members are exempt from § 240.15c3–1 by paragraph (b) (2) thereof ceases to be a member in good standing of such exchange, such broker or dealer shall, within two business days after such event, file with the Commission, as of the date of such event:

(i) A proof of money balances of all ledger accounts in the form of a trial balance;

(ii) A computation of aggregate indebtedness and net capital made in accordance with § 240.15c3–1;

(iii) An analysis of the aggregate market value of fully paid securities in customers' security accounts not segregated showing the location of such securities;

(iv) Ledger net credit balances of money borrowed from banks, trust companies, and other financial institutions and from others, which are fully or partially secured by securities carried for the account of any customer, showing, for each loan, an analysis of the market value of all collateral for such borrowings by source of collateral, stating separately the market value of: (*a*) Securties carried for the accounts of customers, (*b*) securities owned by the broker or dealer or by any general or special partner or any director or officer of such broker or dealer, and (c) any other securities, and

(v) The aggregate amount of customers' ledger debit balances.

The report shall be filed at the Commission's principal office in Washington, D.C., and in duplicate original with the Regional Office of the Commission for the region in which the broker or dealer has his or its principal place of business: *Provided, however,* That such report need not be made or filed if the Commission, upon written request or upon its own motion exempts such broker or dealer, either unconditionally or on specified terms and conditions, from such requirement: *Provided further,* That the Commission may, upon request of the broker or dealer, grant extensions of time for filing the report specified herein for good cause shown.

(2) Attached to the report required by subparagraph (1) of this paragraph shall be an oath or affirmation that to the best knowledge and belief of the individual making such oath or affirmation the information contained in the report is true and correct. The oath or affirmation shall be made before a person duly authorized to administer such oath or affirmation. If the member, broker, or dealer is a sole proprietorship, the oath or affirmation shall be made by the proprietor; if a partnership, by a general partner, or if a corporation, by the chief executive officer, or in his absence, by the person authorized to act in his place.

(3) For the purposes of this § 240.17a–5(j), "membership interest" shall include the following: Full membership, allied membership, associated membership, floor privileges, and any other interest that entitles a broker or dealer to the exercise of any privilege on an exchange.

(l) For the purposes of this section and § 240.15c3–1(b)(2), any broker or dealer shall be deemed to have ceased to be a member in good standing of such exchange when he or it has resigned,

withdrawn, or been suspended or expelled from a membership interest in such exchange or has directly or through any associated person sold or entered into an agreement for the sale of a membership interest which would on consummation thereof result in the termination of the broker or dealer's membership interest in such exchange.

(4) Whenever any national securities exchange whose members are exempt from § 240.15c3–1 by paragraph (b) (2) thereof takes any action which causes any broker or dealer which is a member of such exchange to cease to be a member in good standing of such exchange or when such exchange learns of any action by such member or any other person which causes such broker or dealer to cease to be a member in good standing of such exchange, such exchange shall report such action promptly to the Commission, furnishing information as to the circumstances surrounding the event.

A number of brokers and dealers recently have ceased to be members in good standing of any national securities exchange while experiencing financial and other difficulties. Accordingly, the Commission finds that there is good cause and that it is necessary in the public interest and for the protection of investors that the foregoing amendments become effective immediately. Accordingly, pursuant to section 4(c) of the Administrative Procedure Act, 5 U.S.C. 553 (d), it hereby declares such amendments effective December 1, 1970.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

DECEMBER 1, 1970.

[F.R. Doc. 70–16374; Filed, Dec. 4, 1970; 8:48 a.m.]

[Release No. 34–9005]

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

Quarterly Reporting Form for Certain Real Estate Companies; Correction

In the issue of November 14, 1970, of the FEDERAL REGISTER (35 F.R. 17537, 17538), the Commission published its Release No. 34–9005 announcing the adoption of a new Form 7–Q (17 CFR 249.307a) to replace Form 7–K (17 CFR 249.307) which was rescinded, and also amendments to Rules 13a–15 and 15d–15 of the General Rules and Regulations under the Securities Exchange Act of 1934 (17 CFR 240.13a–15 and 240.15d–15). The following statement of the Commission's action with respect to the adoption of Form 7–Q and rescission of Form 7–K was inadvertently omitted from the text of the material appearing therein, and is reproduced below to follow paragraph (b) of § 240.15d–15.

§ 249.307a Form 7–Q, for quarterly reports of certain real estate companies under section 13 or 15(d) of the Securities Exchange Act of 1934.

This form shall be used for quarterly reports of certain real estate companies under section 13 or 15(d) of the Securities Exchange Act of 1934 filed pursuant to § 240.13a–15 or § 240.15d–15 of this chapter. A report on this form shall be filed within 45 days after the end of each of the first three fiscal quarters of each fiscal year, but no quarterly report need be filed for the fourth quarter of any fiscal year.

§ 249.307 [Rescinded]

By the Commission, November 2, 1970.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

NOTE: Incorporation by reference in § 249.307a approved by the Director of the Federal Register on December 4, 1970.

[F.R. Doc. 70–16373; Filed, Dec. 4, 1970; 8:48 a.m.]

[Release No. 34–9004]

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

Quarterly Reporting Form; Correction

In the issue of November 14, 1970 of the FEDERAL REGISTER (35 F.R. 17537, 17538), the Commission published its Release No. 34–9004 announcing adoption of a new Form 10–Q (17 CFR 249.308a) to replace Form 9–K (17 CFR 249.309) which was rescinded and also amendments to its Rules 13a–13 and 15d–13 of the general rules and regulations under the Securities Exchange Act of 1934 (17 CFR 240.13a–13 and 240.15d–13). The following statement of the Commission's action with respect to the adoption of Form 10–Q and rescission of Form 9–K was inadvertently omitted from the text of the material appearing therein, and is reproduced below the follow paragraph (d) of § 240.15d–13.

§ 249.308a Form 10–Q, for quarterly reports under section 13 or 15(d) of the Securities Exchange Act of 1934.

Form 10–Q shall be used for quarterly reports under section 13 of 15(d) of the Securities Exchange Act of 1934, required to be filed pursuant to § 240.13a–13 or § 240.15d–13 of this chapter. A report on this form shall be filed within 45 days after the end of the first three fiscal quarters of each fiscal year, but no quarterly report need be filed for the fourth quarter of any fiscal year.

§ 249.309 [Rescinded]

Approved by the Commission, October 28, 1970.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

NOTE: Incorporation by reference in § 249.308a approved by the Director of the Federal Register on December 4, 1970.

[F.R. Doc. 70–16372; Filed, Dec. 4, 1970; 8:48 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

2,2-Dichlorovinyl Dimethyl Phosphate

A petition (PP 9F0788) was filed with the Food and Drug Administration by Shell Chemical Co., Division of Shell Oil Co., Suite 1103, 1700 K Street NW., Washington, D.C. 20006, proposing the establishment of tolerances for negligible residues of the insecticide 2,2-dichlorovinyl dimethyl phosphate in meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep and in milk fat at 0.1 part per million. The petitioner subsequently amended the petition by reducing the proposed level to 0.02 part per million for negligible residues of the insecticide in meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep and in milk.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purpose for which the tolerances are being established.

Based on consideration given data submitted in the petition, and other relevant material, the Commissioner of Food and Drugs concludes:

1. The tolerance of 0.1 part per million established in § 135g.75 on August 1, 1970 (35 F.R. 12333), for negligible residues of 2,2-dichlorovinyl dimethyl phosphate in the edible tissues of swine, is at a level high enough to cover both its use as an anthelmintic in swine feed and as an insecticide applied directly to animals.

2. The tolerance established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and under authority delegated to the Commissioner (21 CFR 2.120), § 120.235 is amended by adding to the end of the section a new item and a closing sentence, as follows:

§ 120.235 2,2-Dichlorovinyl dimethyl phosphate; tolerances for residues.

* * * * *

0.02 part per million (negligible residue) in meat, fat, and meat byproducts of cattle, goats, horses, and sheep and in milk.

The tolerance of 0.1 part per million prescribed by § 135g.75 for negligible residues of 2,2-dichlorovinyl dimethyl phosphate in the edible tissues of swine covers both its use as an anthelmintic in swine feed and as an insecticide applied directly to swine.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; U.S.C. 346a(d)(2))

Dated: December 1, 1970.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-16343; Filed, Dec. 4, 1970; 8:46 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Methomyl

A petition (PP OF0882) was filed with the Food and Drug Administration by E. I. du Pont de Nemours and Co., Inc., Wilmington, Del. 19898, proposing the establishment of a tolerance for residues of the insecticide methomyl (*S*-methyl N-[(methylcarbamoyl)oxy]thioacetimidate) in or on the raw agricultural commodity cabbage at 5 parts per million.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purpose for which the tolerance is being established.

Based on consideration given the data submitted in the petition, and other relevant material, the Commissioner of Food and Drugs concludes that the tolerance established by this order will protect the public health. Since cabbage is included in the group "leafy vegetables," for which a negligible residue tolerance of 0.2 part per million has been established, the group "leafy vegetables" is revised herein to exclude cabbage.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), and under authority delegated to the Commissioner (21 CFR 2.120), § 120.253 is amended by adding a new item and by revising the item "0.2 part per million * * *," as follows:

§ 120.253 Methomyl; tolerances for residues.

* * * * *

5 parts per million in or on cabbage.

0.2 part per million (negligible residue) in or on the commodity groups fruiting vegetables and leafy vegetables (except cabbage).

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: November 27, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-16342; Filed, Dec. 4, 1970; 8:46 a.m.]

SUBCHAPTER C—DRUGS

[DESI 9741]

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

Tetracycline Hydrochloride With Vitamins; Confirmation of Effective Date

An order was published in the FEDERAL REGISTER of September 3, 1970 (35 F.R. 13988), amending the antibiotic drug regulations to repeal provisions for certification of tetracycline hydrochloride—vitamin combination drugs for oral use in humans. The order amended § 146c.204 and revoked all antibiotic certificates issued thereunder for drugs containing tetracycline or chlortetracycline in combination with vitamin substances.

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050-51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections were filed to the above identified order. Accordingly, the amendments promulgated thereby became effective October 13, 1970.

Firms affected by the order will be allowed 30 days after publication hereof in the FEDERAL REGISTER to recall outstanding stocks of the affected drugs. Certification of new stocks has been discontinued.

Dated: November 24, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-16345; Filed, Dec. 4, 1970; 8:46 a.m.]

PART 148e—ERYTHROMYCIN

Effective on publication in the FEDERAL REGISTER, Part 148e is republished as follows to incorporate editorial and nonrestrictive technical changes. This order revokes all prior publications.

Sec.
148e.1 Erythromycin.
148e.2 Erythromycin ethylcarbonate.
148e.3 Erythromycin gluceptate.
148e.4 [Reserved]
148e.5 Erythromycin estolate.
148e.6 Erythromycin stearate.
148e.7a Sterile erythromycin ethylsuccinate.
148e.7 Nonsterile erythromycin ethylsuccinate.
148e.8 Erythromycin sulfate.
148e.10 Erythromycin ethylsuccinate granules for oral suspension.
148e.11 Erythromycin ethylcarbonate for oral suspension.
148e.12 Erythromycin estolate for oral suspension.
148e.13 Erythromycin ethylsuccinate oral suspension.
148e.14 Erythromycin ointment.
148e.15 Erythromycin-neomycin sulfate ointment.
148e.16 Erythromycin-polymyxin B sulfate ophthalmic ointment.
148e.17 Erythromycin estolate capsules.
148e.18 Erythromycin ethylsuccinate injection.
148e.22 Erythromycin estolate for pediatric drops.
148e.23 Erythromycin ethylcarbonate for pediatric drops.
148e.24 Erythromycin enteric-coated tablets.
148e.25 Erythromycin lactobionate for injection.
148e.26 Erythromycin tablets.
148e.27 Erythromycin stearate tablets.
148e.29 Erythromycin ethylsuccinate chewable tablets.
148e.30 Erythromycin estolate chewable tablets.
148e.31 Erythromycin ophthalmic ointment.
148e.34 Erythromycin estolate oral suspension.
148e.35 Erythromycin suppositories.

AUTHORITY: The provisions of this Part 148e issued under sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357.

§ 148e.1 Erythromycin.

(a) *Requirements for certification—(1) Standards of identity, strength, quality, and purity.* Erythromycin is the odorless, white to grayish-white or slightly yellow compound of a kind of erythromycin or a mixture of two or

more such compounds. It is so purified and dried that:

(i) It contains not less than 850 micrograms of erythromycin per milligram calculated on an anhydrous basis.

(ii) It passes the safety test.

(iii) Its moisture content is not more than 10 percent.

(iv) Its pH in a saturated aqueous solution, prepared by using 100 milligrams of erythromycin per milliliter, is not less than 8.0 or more than 10.5.

(v) Its residue on ignition is not more than 2.0 percent.

(vi) Its heavy metals content is not more than 50 parts per million.

(vii) It gives a positive identity test for erythromycin.

(viii) It is crystalline.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, safety, moisture, residue on ignition, heavy metals, pH, identity, and crystallinity.

(ii) Samples required: 10 packages, each containing not less than 500 milligrams.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient methyl alcohol to give a concentration of 10 milligrams of erythromycin base per milliliter (estimated). Dilute this solution further with sufficient 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to give a stock solution containing 1.0 milligram of erythromycin base per milliliter (estimated). Further dilute an aliquot of the stock solution with solution 3 to the reference concentration of 1.0 microgram of erythromycin base per milliliter (estimated).

(2) *Safety.* Proceed as directed in § 141.5 of this chapter.

(3) *Moisture.* Proceed as directed in § 141.502 of this chapter.

(4) *pH.* Proceed as directed in § 141.503 of this chapter, using a saturated aqueous solution (100 milligrams of erythromycin per milliliter).

(5) *Residue on ignition.* Proceed as directed in § 141.510(a) of this chapter.

(6) *Heavy metals.* Proceed as directed in § 141.511 of this chapter.

(7) *Crystallinity.* Proceed as directed in § 141.504(a) of this chapter.

(8) *Identity test.* Proceed as directed in § 141.521 of this chapter, using the sample preparation method described in paragraph (b) (3) of that section.

§ 148e.2 Erythromycin ethylcarbonate.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Erythromycin ethylcarbonate is a white, ester of erythromycin obtained by the reaction of a kind of erythromycin and chloroethylcarbonate. It is slightly soluble in water, freely soluble in alcohol, methyl alcohol, acetone, ether, and chloroform. It is so purified and dried that:

(i) It contains not less than 775 micrograms of erythromycin base per milligram, calculated on an anhydrous basis.

(ii) It passes the safety test.

(iii) Its moisture content is not more than 8 percent.

(iv) Its pH is not less than 6.3 and not more than 8.0.

(v) It gives a positive identity test for erythromycin ethylcarbonate.

(vi) It is crystalline.

(2) *Labeling.* It shall be labeled in accordance with the requirements prescribed by § 148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, safety, moisture, pH, identity, and crystallinity.

(ii) Samples required: 10 containers, each containing not less than 300 milligrams.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient methyl alcohol to give a concentration of 1.0 milligram of erythromycin base per milliliter (estimated). Immediately dilute this solution further with 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to give a concentration of 0.1 milligram of erythromycin per milliliter (estimated). Place this solution in a 60° C. constant temperature water bath for 3 hours or allow it to stand at room temperature for 24 to 40 hours to accomplish hydrolysis. Further dilute an aliquot with solution 3 to the reference concentration of 1.0 microgram of erythromycin base per milliliter (estimated).

(2) *Safety.* Proceed as directed in § 141.5 of this chapter.

(3) *Moisture.* Proceed as directed in § 141.502 of this chapter.

(4) *pH.* Proceed as directed in § 141.503 of this chapter, using a concentration of 200 milligrams of sample per milliliter.

(5) *Identity test.* Proceed as directed in § 141.521 of this chapter, using the sample preparation method described in paragraph (b) (3) of that section.

(6) *Crystallinity.* Proceed as directed in § 141.504(a) of this chapter.

§ 148e.3 Erythromycin gluceptate.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Erythromycin gluceptate is the white powder of the glucoheptonic acid salt of erythromycin or a mixture of two or more such salts. It is freely soluble in water, alcohol, and methyl alcohol. It is slightly soluble in acetone and chloroform, but is practically insoluble in ether. It is so purified and dried that:

(i) It contains not less than 600 micrograms of erythromycin per milligram, calculated on an anhydrous basis. If it is packaged for dispensing, its potency is satisfactory if it is not less than 90 percent and not more than 115 percent of the number of milligrams of erythromycin that it is represented to contain.

(ii) It is sterile.

(iii) It passes the safety test.

(iv) It is nonpyrogenic.

(v) Its moisture content is not more than 5.0 percent.

(vi) Its pH in an aqueous solution containing 25 milligrams per milliliter is not less than 6.0 nor more than 8.0.

(vii) It gives a positive identity test for erythromycin gluceptate.

(2) *Packaging.* In addition to the requirements of § 148.2 of this chapter, if it is packaged for dispensing and intended for intravenous use, it shall contain the equivalent of 250 milligrams, 500 milligrams, or 1.0 gram of erythromycin per vial.

(3) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(4) *Requests for certification; samples.* In addition to the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, sterility, safety, pyrogens, moisture, pH, and identity.

(ii) Samples required:

(*a*) If the batch is packaged for repacking or for use as an ingredient in the manufacture of another drug:

(*1*) For all tests except sterility: 10 packages, each containing not less than 300 milligrams.

(2) For sterility testing: 20 packages, each containing approximately 300 milligrams.

(*b*) If the batch is packaged for dispensing:

(*1*) For all tests except sterility: A minimum of 12 immediate containers of the batch.

(2) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: If the batch is packaged for repacking or for use in manufacturing another drug, dissolve an accurately weighed sample in sufficient methyl alcohol to give a concentration of 10 milligrams of erythromycin base per milliliter (estimated). Dilute this solution further with sufficient 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to give a stock solution containing 1.0 milligram of erythromycin base per milliliter (estimated). If it is packaged for dispensing, reconstitute as directed in the labeling. Then using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single dose container; or if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. Dilute with solution 3 to give a stock solution of convenient concentration. Further dilute the stock solution with solution 3 to the reference concentration of 1.0 milligram of erythromycin base per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method

described in paragraph (e)(1) of that section.

(3) *Pyrogens.* Proceed as directed in § 141.4(b) of this chapter, using a solution containing 30 milligrams of erythromycin per milliliter.

(4) *Safety.* Proceed as directed in § 141.5 of this chapter.

(5) *Moisture.* Proceed as directed in § 141.502 of this chapter.

(6) *pH.* Proceed as directed in § 141.503 of this chapter, using a concentration of 25 milligrams per milliliter.

(7) *Identity.* Proceed as directed in § 141.521 of this chapter, using the sample preparation method described in paragraph (b)(2) of that section.

§ 148e.4 [Reserved]

§ 148e.5 Erythromycin estolate.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Erythromycin estolate is the lauryl sulfate salt of the propionyl ester of a kind of erythromycin or a mixture of two or more such salts. It occurs as a white powder. It is soluble in alcohol, methyl alcohol, acetone, and chloroform, but is practically insoluble in water. It is so purified and dried that:

(i) It contains not less than 600 micrograms of erythromycin per milligram, calculated on an anhydrous basis.

(ii) It passes the safety test.

(iii) Its moisture content is not more than 4.0 percent.

(iv) Its pH is not less than 4.5 nor more than 7.0.

(v) It gives positive identity tests for erythromycin estolate.

(vi) It is crystalline.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, safety, moisture, pH, identity, and crystallinity.

(ii) Samples of the batch: A minimum of 10 containers, each containing not less than 300 milligrams.

(b) *Tests and methods of assay—*(1) *Potency.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient methyl alcohol to give a concentration of 1.0 milligram of erythromycin base per milliliter (estimated). Immediately dilute this solution further with 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to give a concentration of 0.1 milligram of erythromycin per milliliter (estimated). Hydrolyze this solution in a 60° C. constant temperature water bath for 2 hours or at room temperature for 16 to 18 hours. Further dilute with solution 3 to the reference concentration of 1.0 microgram of erythromycin base per milliliter (estimated).

(2) *Safety.* Proceed as directed in § 141.5 of this chapter.

(3) *Moisture.* Proceed as directed in § 141.502 of this chapter.

(4) *pH.* Proceed as directed in § 141.503 of this chapter, using an aqueous suspension containing 100 milligrams per milliliter.

(5) *Crystallinity.* Proceed as directed in § 141.504(a) of this chapter.

(6) *Identity test.* Proceed as directed in § 141.521 of this chapter, preparing the sample as described in pargraph (b)(3) of that section.

§ 148e.6 Erythromycin stearate.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Erythromycin stearate is the odorless, white or slightly yellow powder of the stearic acid salt of erythromycin. It is practically insoluble in water but is soluble in alcohol, methyl alcohol, chloroform, and ether. It is so purified and dried that:

(i) It contains not less than 500 micrograms of erythromycin per milligram, calculated on an anhydrous basis.

(ii) It passes the safety test.

(iii) Its moisture content is not more than 5.0 percent.

(iv) Its pH is not less than 6.0 and not more than 11.0.

(v) Its residue on ignition is not more than 2.0 percent.

(vi) It gives positive identity tests for erythromycin stearate.

(vii) It is crystalline.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, safety, moisture, pH, residue on ignition, identity, and crystallinity.

(ii) Samples required: A minimum of 10 containers, each consisting of 500 milligrams.

(b) *Tests and methods of assay—*(1) *Potency.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient methyl alcohol to give a concentration of 1 milligram of erythromycin base per milliliter (estimated). Further dilute with 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to the reference concentration of 1.0 microgram of erythromycin base per milliliter (estimated).

(2) *Safety.* Proceed as directed in § 141.5 of this chapter, preparing the sample as follows: Transfer approximately 1.0 to 1.1 grams to a mortar. Add 1 drop of 33 percent polysorbate 80 and while grinding with a pestle, slowly add sufficient sterile distilled water to make a suspension containing 80 milligrams of erythromycin base per milliliter.

(3) *Moisture.* Proceed as directed in § 141.502 of this chapter.

(4) *pH.* Proceed as directed in § 141.503 of this chapter, using a 1 percent slurry of erythromycin stearate in water.

(5) *Residue on ignition.* Proceed as directed in § 141.510(a) of this chapter.

(6) *Identity.* Proceed as directed in § 141.521 of this chapter, using the sample preparation method described in paragraph (b)(2) of that section.

(7) *Crystallinity.* Proceed as directed in § 141.504(a) of this chapter.

§ 148e.7a Sterile erythromycin ethylsuccinate.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Erythromycin ethylsuccinate is the white, odorless, ethylsuccinate ester of erythromycin. It is so purified and dried that:

(i) It contains not less than 765 micrograms of erythromycin per milligram, calculated on an anhydrous basis.

(ii) It is sterile.

(iii) It passes the safety test.

(iv) Its moisture content is not more than 3.0 percent.

(v) Its pH is not less than 6.0 and not more than 8.5.

(vi) Its residue on ignition is not more than 1.0 percent.

(vii) It gives a positive identity test for erythromycin ethylsuccinate.

(viii) It is crystalline.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3(b) of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, sterility, safety, moisture, pH, residue on ignition, identity, and crystallinity.

(ii) Samples required:

(*a*) For all tests except sterility: 10 packages, each containing approximately 500 milligrams.

(*b*) For sterility testing: 20 packages, each containing approximately 600 milligrams.

(b) *Tests and methods of assay—*(1) *Potency.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient methyl alcohol to give a concentration of 1 milligram of erythromycin base per milliliter (estimated). Further dilute with 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to the reference concentration of 1.0 microgram of erythromycin base per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(2) of that section.

(3) *Safety.* Proceed as directed in § 141.5 of this chapter.

(4) *Moisture.* Proceed as directed in § 141.502 of this chapter.

(5) *pH.* Proceed as directed in § 141.503 of this chapter, using a 1.0 percent suspension in water.

(6) *Residue on ignition.* Proceed as directed in § 141.510(a) of this chapter.

(7) *Identity.* Proceed as directed in § 141.521 of this chapter, using the sample preparation method described in paragraph (b)(3) of that section.

(8) *Crystallinity.* Proceed as directed in § 141.504(a) of this chapter.

§ 148e.7 Nonsterile erythromycin ethylsuccinate.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Erythromycin ethylsuccinate is the white, odorless, ethylsuccinate ester of erythromycin. It is so purified and dried that:

(i) It contains not less than 765 micrograms of erythromycin per milligram, calculated on an anhydrous basis.

(ii) It passes the safety test.

(iii) Its moisture content is not more than 3.0 percent.

(iv) Its pH is not less than 6.0 and not more than 8.5.

(v) Its residue on ignition is not more than 1.0 percent.

(vi) It gives a positive identity test for erythromycin ethylsuccinate.

(vii) It is crystalline.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 (b) of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, safety, moisture, pH, residue on ignition, identity, and crystallinity.

(ii) Samples required: 10 packages, each containing approximately 500 milligrams.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient methyl alcohol to give a concentration of 1 milligram of erythromycin base per milliliter (estimated). Further dilute with 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to the reference concentration of 1.0 microgram of erythromycin base per milliliter (estimated).

(2) *Safety.* Proceed as directed in § 141.5 of this chapter.

(3) *Moisture.* Proceed as directed in § 141.502 of this chapter.

(4) *pH.* Proceed as directed in § 141.503 of this chapter, using a 1.0 percent suspension in water.

(5) *Residue on ignition.* Proceed as directed in § 141.510(a) of this chapter.

(6) *Identity.* Proceed as directed in § 141.521 of this chapter, using the sample prepared as described in paragraph (b) (3) of that section.

(7) *Crystallinity.* Proceed as directed in § 141.504(a) of this chapter.

§ 148e.8 Erythromycin sulfate.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Erythromycin sulfate is the sulfate salt of erythromycin. It is an odorless, practically white, powder. It is so purified and dried that:

(i) It contains not less than 840 micrograms of erythromycin per milligram, calculated on an anhydrous basis.

(ii) Its loss on drying is not more than 7.0 percent.

(iii) Its pH in a solution containing 10 milligrams per milliliter is not less than 4.5 and not more than 6.5.

(iv) It gives a positive identity test for erythromycin sulfate.

(v) It is crystalline.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3(b) of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, loss on drying, pH, crystallinity, and identity.

(ii) Samples required: 10 containers, each consisting of 300 milligrams.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient methyl alcohol to give a concentration of 1.0 milligram of erythromycin base per milliliter. Further dilute with 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to the reference concentration of 1.0 microgram of erythromycin per milliliter (estimated).

(2) *Loss on drying.* Proceed as directed in § 141.501(b) of this chapter.

(3) *pH.* Proceed as directed in § 141.503 of this chapter, using a concentration of 10 milligrams per milliliter.

(4) *Identity.* Proceed as directed in § 141.521 of this chapter, using the sample preparation method described in paragraph (b) (3) of that section.

§ 148e.10 Erythromycin ethylsuccinate granules for oral suspension.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Erythromycin ethylsuccinate granules for oral suspension is a dry mixture of erythromycin ethylsuccinate with suitable and harmless buffer substances, dispersing agents, diluents, colorings, and flavorings. It contains the equivalent of 40 milligrams of erythromycin per milliliter of the reconstituted suspension. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of erythromycin that it is represented to contain. Its loss on drying is not more than 1 percent. When reconstituted as directed in the labeling, its pH is not less than 7.0 nor more than 9.0. The crystalline erythromycin ethylsuccinate used conforms to the standards prescribed by § 148e.7(a) (1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The erythromycin ethylsuccinate used in making the batch for potency, safety, moisture, pH, residue on ignition, identity, and crystallinity.

(*b*) The batch, for potency, pH, and loss on drying.

(ii) Samples required:

(*a*) The erythromycin ethylsuccinate used in making the batch: 10 containers each consisting of approximately 500 milligrams.

(*b*) The batch: A minimum of 6 immediate containers.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Reconstitute the sample as directed in the labeling. Place an accurately measured representative volume of the reconstituted suspension into a 200-milliliter volumetric flask containing 100 milliliters of methyl alcohol and shake vigorously. Fill to volume with methyl alcohol and mix well. Allow to stand for about 5 minutes or until any undissolved particles settle. Dilute an aliquot of the supernatant liquid with 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to the reference concentration of 1.0 microgram of erythromycin base per milliliter (estimated).

(2) *pH.* Proceed as directed in § 141.503 of this chapter, using the suspension prepared as directed in the labeling.

(3) *Loss on drying.* Proceed as directed in § 141.501(b) of this chapter.

§ 148e.11 Erythromycin ethylcarbonate for oral suspension.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Erythromycin ethylcarbonate for oral suspension is a dry mixture of erythromycin ethylcarbonate with suitable and harmless buffer substances, dispersing agents, diluents, colorings, and flavorings. The erythromycin ethylcarbonate content is not less than 40 milligrams of erythromycin per milliliter of the reconstituted suspension. Its potency is satisfactory if it is not less than 90 percent and not more than 115 percent of the number of milligrams of erythromycin that it is represented to contain. Its moisture content is not more than 2.0 percent. When reconstituted as directed in the labeling, its pH is not less than 6.4 and not more than 7.0. The erythromycin ethylcarbonate used conforms to the standards prescribed by § 148e.2(a) (1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) Erythromycin ethylcarbonate used in making the batch for potency, safety, moisture, pH, crystallinity, and identity.

(*b*) The batch for potency, moisture, and pH.

(ii) Samples required:

(*a*) The erythromycin ethylcarbonate used in making the batch: 10 containers, each containing 500 milligrams.

(*b*) The batch: A minimum of 6 immediate containers.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Reconstitute the sample as directed in the labeling. Withdraw an accurately measured representative volume of the reconstituted suspension and add sufficient methyl alcohol to give a

concentration of 2.5 milligrams of erythromycin base per milliliter (estimated). Dilute this entire mixture with sufficient 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to give a concentration of 1.0 milligram of erythromycin base per milliliter (estimated). Hydrolyze this solution by placing it in a 60° C. constant temperature water bath for 3 hours or by allowing it to stand at room temperature for 24 to 40 hours. Further dilute with solution 3 to the reference concentration of 1.0 microgram of erythromycin base per milliliter (estimated).

(2) *Moisture.* Proceed as directed in § 141.502 of this chapter.

(3) *pH.* Proceed as directed in § 141.503 of this chapter, using the suspension prepared as directed in its labeling.

§ 148e.12 Erythromycin estolate for oral suspension.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Erythromycin estolate for oral suspension is a dry mixture of erythromycin estolate with suitable and harmless buffer substances, dispersing agents, dilutents, colorings, and flavorings. The erythromycin estolate content is 25 milligrams of erythromycin per milliliter of the reconstituted suspension. Its potency is satisfactory if it is not less than 90 percent and not more than 115 percent of the number of milligrams of erythromycin that it is represented to contain. When reconstituted as directed in its labeling, its pH is not less than 5.0 and not more than 7.0. Its moisture content is not more than 2.0 percent. The erythromycin estolate used conforms to the standards of § 148e.5(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The erythromycin estolate used in making the batch for potency, safety, moisture, pH, crystallinity, and identity.

(*b*) The batch: Potency, moisture, and pH.

(ii) Samples required:

(*a*) The erythromycin estolate used in making the batch: 10 immediate containers, each consisting of 300 milligrams.

(*b*) The batch: A minimum of 6 immediate containers.

(b) *Tests and methods of assay—*(1) *Potency.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Reconstitute the sample as directed in the labeling. Withdraw an accurately measured representative volume of the reconstituted volume of the reconstituted suspension and add sufficient methyl alcohol to give a concentration of 2.5 milligrams of erythromycin base per milliliter (estimated). Dilute this entire mixture with sufficient 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to give a concentration of 1.0 milligram of erythromycin base per milliliter (estimated). Hydrolyze in a 60° C. constant temperature water bath for 2 hours or at room temperature for 16 to 18 hours. Further dilute with solution 3 to the reference concentration of 1.0 microgram of erythromycin base per milliliter (estimated).

(2) *Moisture.* Proceed as directed in § 141.502 of this chapter, using the dry powder.

(3) *pH.* Proceed as directed in § 141.503 of this chapter, using the drug reconstituted as directed in its labeling.

§ 148e.13 Erythromycin ethylsuccinate oral suspension.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Erythromycin ethylsuccinate oral suspension is erythromycin ethylsuccinate with suitable and harmless buffer substances, dispersing agents, colorings, and flavorings suspended in peanut oil and glycerin. It contains the equivalent of not less than 40 milligrams of erythromycin per milliliter. Its potency is satisfactory if it is not less than 90 percent and not more than 115 percent of the number of milligrams of erythromycin that it is represented to contain. Its moisture content is not more than 5.0 percent. The crystalline erythromycin ethylsuccinate used conforms to the standards prescribed by § 148e.7(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The erythromycin ethylsuccinate used in making the batch for potency, safety, moisture, pH, identity, residue on ignition, and crystallinity.

(*b*) The batch for potency and moisture:

(ii) Samples required:

(*a*) The erythromycin ethylsuccinate used in making the batch: 10 containers, each consisting of 500 milligrams.

(*b*) The batch: A minimum of 5 immediate containers.

(b) *Tests and methods of assay—*(1) *Potency.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Place an accurately measured representative volume of the sample in a 200-milliliter volumetric flask containing 100 milliliters of methyl alcohol and shake vigorously. Fill to volume with methyl alcohol and mix well. Allow to stand for about 5 minutes or until the undissolved particles settle. Dilute an aliquot of the supernatant liquid with 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to the reference concentration of 1.0 microgram of erythromycin base per milliliter (estimated).

(2) *Moisture.* Proceed as directed in § 141.502 of this chapter.

§ 148e.14 Erythromycin ointment.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Erythromycin ointment is erythromycin in a suitable and harmless ointment base. It may contain suitable preservatives. Each gram of ointment contains 10 milligrams of erythromycin. Its potency is satisfactory if it is not less than 90 percent and not more than 125 percent of the number of milligrams of erythromycin that it is represented to contain. The moisture content is not more than 1.0 percent. The erythromycin used conforms to the standards prescribed by § 148e.1(a)(1) (i), (iii), (iv), (v), (vii), and (viii).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The erythromycin used in making the batch for potency, pH, moisture, residue on ignition, crystallinity, and identity.

(*b*) The batch for potency and moisture.

(ii) Samples required:

(*a*) The erythromycin used in making the batch: 10 packages, each containing not less than 500 milligrams.

(*b*) The batch: A minimum of 5 immediate containers.

(b) *Tests and methods of assay—*(1) *Potency.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Place an accurately weighed representative portion of the ointment in a 250-milliliter separatory funnel containing 50 milliliters of reagent-grade petroleum ether. Shake until dissolved. Wash with four separate washings of a 4:1 mixture of methyl alcohol and distilled water. Combine the washings and bring to volume with the methyl alcohol-water solution in a volumetric flask. Further dilute with 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to the reference concentration of 1.0 microgram of erythromycin base per milliliter (estimated).

(2) *Moisture.* Proceed as directed in § 141.502 of this chapter.

§ 148e.15 Erythromycin-neomycin sulfate ointment.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Erythromycin-neomycin sulfate ointment is erythromycin and neomycin sulfate with a suitable emollient and perservatives in a suitable and harmless ointment base. Each gram contains 5 milligrams of erythromycin and 3.5 milligrams of neomycin. Its erythromycin content is satisfactory if it is not less than 90 percent and not more than 125 percent of the number of milligrams of erythromycin that it is represented to contain. Its neomycin content is satisfactory if it is not less than 90 percent and not more than 125 percent of the number of milligrams of neomycin that it is represented to contain. The moisture content is not more than 1 percent. The erythromycin used conforms to the standards prescribed therefor by § 148e.1(a)(1) (i), (iii), (iv),

(v), (vii), and (viii). The neomycin sulfate used conforms to the standards prescribed in § 148i.1(a)(1) (i), (vi), (vii), and (viii) of this chapter.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The erythromycin used in making the batch for potency, pH, moisture, residue on ignition, crystallinity, and identity.

(*b*) The neomycin sulfate used in making the batch for potency, pH, loss on drying, and identity.

(*c*) The batch for erythromycin content, neomycin content, and moisture.

(ii) Samples required:

(*a*) The erythromycin used in making the batch: 10 packages, each containing not less than 500 milligrams.

(*b*) The neomycin sulfate used in making the batch: 10 packages, each containing not less than 300 milligrams.

(*c*) The batch: A minimum of 6 immediate containers.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows:

(i) *Erythromycin content.* Place an accurately weighed representative portion of the ointment in a high-speed glass blender with 100 milliliters of polyethylene glycol 400 and blend for 3 minutes. Filter through a cotton plug or filter paper and further dilute with 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to the reference concentration of 1.0 microgram of erythromycin base per milliliter (estimated).

(ii) *Neomycin content.* Place an accurately weighed representative portion of the ointment in a separatory funnel containing 50 milliliters of peroxide-free ether. Shake the sample and ether until homogeneous. Add 20 to 25 milliliters of 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), and shake well. Allow the layers to separate. Remove the buffer layer and repeat the extraction with new portions of the buffer at least three times and any additional times necessary to ensure complete extraction of the antibiotic. Combine the buffer extractives and adjust to an appropriate volume with solution 3 to give a stock solution of convenient concentration. Place the stock solution in a second separatory funnel and wash with three 30-milliliter portions of peroxide-free ether. Discard the ether washes. Further dilute the washed stock solution with solution 3 to the reference concentration of 1.0 microgram of neomycin base per milliliter (estimated).

(2) *Moisture.* Proceed as directed in § 141.502 of this chapter.

§ 148e.16 Erythromycin-polymyxin B sulfate ophthalmic ointment.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Erythromycin-polymyxin B sulfate ophthalmic ointment is erythromycin and polymyxin B sulfate in a suitable and harmless ointment base. Each gram contains 5 milligrams of erythromycin and 10,000 units of polymyxin B. Its erythromycin content is satisfactory if it is not less than 90 percent and not more than 125 percent of the number of milligrams of erythromycin that it is represented to contain. Its polymyxin B content is satisfactory if it is not less than 90 percent and not more than 125 percent of the number of units of polymyxin B that it is represented to contain. The moisture content is not more than 1 percent. The erythromycin used conforms to the standards prescribed therefor by § 148e.1(a)(1) (i), (ii), (iii), (iv), (v), (vii), and (viii). The polymyxin B sulfate used conforms to the standards prescribed by § 148p.1 (a)(1) (i), (iv), (v), (vi), (vii), and (ix) of this chapter.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The erythromycin used in making the batch for potency, safety, pH, moisture, residue on ignition, crystallinity, and identity.

(*b*) The polymyxin B sulfate used in making the batch for potency, safety, loss on drying, pH, residue on ignition, and identity.

(*c*) The batch for erythromycin content, polymyxin B content, and moisture.

(ii) Samples required:

(*a*) The erythromycin used in making the batch: 10 packages, each containing not less than 500 milligrams.

(*b*) The polymyxin B sulfate used in making the batch: 10 packages, each containing not less than 300 milligrams.

(*c*) The batch: Six immediate containers.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows:

(i) *Erythromycin content.* Place an accurately weighed representative portion of the ointment in a high-speed glass blender with 200 milliliters of methyl alcohol and blend for 3 to 5 minutes. Add 300 milliliters of 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), and blend for another 3 to 5 minutes. Dilute with solution 3 to the reference concentration of 1.0 microgram of erythromycin base per milliliter (estimated).

(ii) *Polymyxin B content.* Place an accurately weighed representative portion of the ointment into a separatory funnel containing approximately 50 milliliters of peroxide-free ether. Shake with four 20- to 25-milliliter portions of 10 percent potassium phosphate buffer, pH 6.0 (solution 6), and combine the buffer extractives. After adjusting the volume of the combined buffer extractives to 100 milliliters with solution 6, remove an aliquot and further dilute with solution 6 to the reference concentration of 10 units of polymyxin B per milliliter (estimated).

(2) *Moisture.* Proceed as directed in § 141.502 of this chapter.

§ 148e.17 Erythromycin estolate capsules.

(a) *Requirements for certification*—(1) *Standards of identity, quality, and purity.* Erythromycin estolate capsules are capsules containing erythromycin estolate with suitable and harmless buffer substances and diluents enclosed in a gelatin capsule. The erythromycin estolate content of each capsule is equivalent to either 250 milligrams of erythromycin or 125 milligrams of erythromycin. Its potency is satisfactory if it is not less than 90 percent and not more than 115 percent of the number of milligrams of erythromycin that it is represented to contain. The moisture content is not more than 5 percent. The erythromycin estolate used conforms to the standards prescribed therefor by § 148e.5(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The erythromycin estolate used in making the batch for potency, safety, pH, moisture, crystallinity, and identity.

(*b*) The batch for potency and moisture.

(ii) Samples required:

(*a*) The erythromycin estolate used in making the batch: 10 packages, each containing not less than 300 milligrams.

(*b*) The batch: A minimum of 30 capsules.

(b) *Test and methods of assay*—(1) *Potency.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Blend a representative number of capsules in a high-speed glass blender with 200 milliliters of methyl alcohol for 2 to 3 minutes. Add 300 milliliters of 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), and blend again for 2 to 3 minutes. Hydrolize a portion of this solution in a 60° C. constant temperature water bath for 2 hours or at room temperature for 16 to 18 hours. Further dilute with solution 3 to the reference concentration of 1.0 microgram of erythromycin base per milliliter (estimated).

(2) *Moisture.* Proceed as directed in § 141.502 of this chapter.

§ 148e.18 Erythromycin ethylsuccinate injection.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Erythromycin ethylsuccinate injection is erythromycin ethylsuccinate and butylaminobenzoate dissolved in polyethylene glycol 400. It contains a suitable and harmless preservative. Each milliliter contains 50 milligrams of erythromycin. Its potency is satisfactory if it is not less than 90 percent and not more than 115 percent of the number of milligrams of erythromycin that it is represented to contain. It

contains 2 percent butylaminobenzoate. It is sterile. It passes the safety test. Its moisture content is not more than 1.5 percent. The erythromycin ethylsuccinate used conforms to the standards prescribed therefor by § 148e.7a(a)(1).

(2) *Labeling.* In addition to the labeling requirements prescribed by § 148.3 of this chapter, each immediate container shall bear on its label and labeling the statement: "Warning—For intramuscular use only."

(3) *Requests for certification; samples.* In addition to the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The erythromycin ethylsuccinate used in making the batch for potency, moisture, pH, residue on ignition, identity, and crystallinity.

(*b*) The batch for potency, sterility, safety, and moisture.

(ii) Samples required:

(*a*) The erythromycin ethylsuccinate used in making the batch: 10 packages, each containing 500 milligrams.

(*b*) The batch:

(*1*) For all tests except sterility: A minimum of 10 immediate containers.

(2) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation, except that if the product is sterilized after filling, a representative sample consisting of 10 immediate containers from each sterilizer load. If only one sterilizer load is involved, the sample shall consist of 20 immediate containers.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: By means of a suitable hypodermic needle and syringe, remove an accurately measured representative volume of the sample and dilute with sufficient methyl alcohol to give a solution containing 1.0 milligram of erythromycin base per milliliter (estimated). Further dilute with 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to the reference concentration of 1.0 microgram of erythromycin base per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section, except use a bacterial-retentive membrane resistant to the solvent polyethylene glycol 400 and add 1 milliliter from each immediate container directly to the membrane, thus eliminating the preliminary solubilization step.

(3) *Safety.* Proceed as directed in § 141.5 of this chapter, except in lieu of paragraph (b) of that section, administer subcutaneously a test dose of 0.1 milliliter of the undiluted solution.

(4) *Moisture.* Proceed as directed in § 141.502(e)(1) of this chapter.

§ 148e.22 Erythromycin estolate for pediatric drops.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Erythromycin estolate for pediatric drops is a dry mixture of erythromycin estolate with suitable and harmless dispersing agents, buffer substances, diluents, colorings, and flavorings. When reconstituted as directed in the labeling, each milliliter contains the equivalent of 100 milligrams of erythromycin. Its potency is satisfactory if it is not less than 90 percent and not more than 115 percent of the number of milligrams of erythromycin that it is represented to contain. Its moisture content is not more than 2.0 percent. Its pH is not less than 5.0 nor more than 5.5. The erythromycin estolate used conforms to the standards prescribed by § 148e.5(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The erythromycin estolate used in making the batch for potency, safety, pH, moisture, crystallinity, and identity.

(*b*) The batch for potency, moisture, and pH.

(ii) Samples required:

(*a*) The erythromycin estolate used in making the batch: 10 packages, each containing not less than 300 milligrams.

(*b*) The batch: A minimum of 5 immediate containers.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Reconstitute the sample as directed in the labeling. Withdraw an accurately measured representative volume of the reconstituted suspension and add sufficient methyl alcohol to give a concentration of 2.5 milligrams of erythromycin base per milliliter (estimated). Dilute this entire mixture with sufficient 0.1*M* potassium phosphate buffer, pH 8 (solution 3), to give a concentration of 1.0 milligram of erythromycin base per milliliter (estimated). Hydrolyze in a 60° C. constant temperature water bath for 2 hours or at room temperature for 16 to 18 hours. Further dilute with solution 3 to the reference concentration of 1.0 microgram of erythromycin base per milliliter (estimated).

(2) *Moisture.* Proceed as directed in § 141.502 of this chapter.

(3) *pH.* Proceed as directed in § 141.503(b) of this chapter, using the suspension prepared as directed in the labeling.

§ 148e.23 Erythromycin ethylcarbonate for pediatric drops.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Erythromycin ethylcarbonate for pediatric drop is a dry mixture of erythromycin ethylcarbonate, suitable and harmless dispersing agents, buffer substances, diluents, colorings, and flavorings. When reconstituted as directed in the labeling, each milliliter contains 100 milligrams of erythromycin. Its potency is satisfactory if it is not less than 90 percent and not more than 115 percent of the number of milligrams of erythromycin that it is represented to contain. Its moisture content is not more than 2.0 percent. Its pH is not less than 6.5 nor more than 7.5. The erythromycin ethylcarbonate used conforms to the standards prescribed by § 148e.2-(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of §148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The erythromycin ethylcarbonate used in making the batch for potency, safety, pH, moisture, crystallinity, and identity.

(*b*) The batch for potency, moisture, and pH.

(ii) Samples required:

(*a*) The erythromycin ethylcarbonate used in making the batch: 10 packages, each containing not less than 500 milligrams.

(*b*) The batch: A minimum of five immediate containers.

(b) *Tests and methods of essay*—(1) *Potency.* Proceed as directed in § 141.110 of this chapter, preparing the sample for essay as follows: Reconstitute the sample as directed in the labeling. Withdraw an accurately measured representative volume of the reconstituted suspension and add sufficient methyl alcohol to give a concentration of 2.5 milligrams of erythromycin base per milliliter (estimated). Dilute this entire mixture with sufficient 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to give a concentration of 1.0 milligram of erythromycin base per milliliter (estimated). Hydrolyze this solution by placing it in a 60° C. constant temperature water bath for 3 hours or by allowing it to stand at room temperature for 24 to 40 hours. Further dilute with solution 3 to the reference concentration of 1.0 microgram of erythromycin base per milliliter (estimated).

(2) *Moisture.* Proceed as directed in § 141.502 of this chapter.

(3) *pH.* Proceed as directed in § 141.503 of this chapter, using the suspension reconstituted as directed in the labeling.

§ 148e.24 Erythromycin enteric-coated tablets.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Erythromycin enteric-coated tablets are enteric-coated tablets composed of erythromycin, suitable and harmless buffer substances, diluents, binders, lubricants, colorings, and flavorings. Each tablet contains 100 or 250 milligrams of erythromycin. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of erythromycin that it is represented to contain. Each tablet shall meet the tests for enteric-coated tablets set forth in the U.S.P. and shall disintegrate within a total time of 2 hours. The moisture content is not more than 6 percent. The erythromycin base used in making the batch conforms to the standards of § 148e.1(a)(1) (i), (ii), (iii), (iv), (v), (vii), and (viii).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The erythromycin used in making the batch for potency, safety, moisture, pH, residue on ignition, crystallinity, and identity.

(*b*) The batch for potency, moisture, and distintegration time.

(ii) Samples required:

(*a*) The erythromycin used in making the batch: 10 packages, each containing 500 milligrams.

(*b*) The batch: A minimum of 36 tablets.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Blend a representative number of tablets in a high-speed glass blender for 2 to 3 minutes with 200 milliliters of methyl alcohol. Add 300 milliliters of 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), and blend again for 2 to 3 minutes. Further dilute with solution 3 to the reference concentration of 1.0 microgram of erythromycin base per milliliter (estimated).

(2) *Moisture.* Proceed as directed in § 141.502 of this chapter.

(3) *Disintengration time.* Proceed as directed in § 141.540 of this chapter, using the procedure described in paragraph (e) (3) of that section.

§ 148e.25 Erythromycin lactobionate for injection.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Erythromycin lactobionate for injection is a dry mixture of erythromycin lactobionate and a suitable preservative. It contains the equivalent of 300 milligrams, 500 milligrams, or 1 gram of erythromycin per vial. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of erythromycin that it is represented to contain. It is sterile. It is nonpyrogenic. It passes the safety test. Its moisture content is not more than 5 percent. Its pH is not less than 6.5 and not more than 7.5. The erythromycin used conforms to the standards prescribed by § 148e.1(a) (1) (i), (iii), (iv), (v), (vi), (vii), and (viii).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The erythromycin used in making the batch for potency, pH, moisture, residue on ignition, heavy metals, and crystallinity.

(*b*) The batch for potency, sterility, pyrogens, safety, moisture, pH, and identity.

(ii) Samples required:

(*a*) The erythromycin used in making the batch: 10 containers, each consisting of not less than 500 milligrams.

(*b*) The batch:

(*1*) For all tests except sterility: A minimum of 12 immediate containers.

(*2*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Reconstitute as directed in the labeling. Using a suitable hypodermic needle and syringe, remove the total withdrawable contents from each container represented as a single-dose container; or if the labeling specifies the amount of potency in a given volume of the preparation, withdraw an accurately measured volume from each container. Dilute with sterile distilled water to obtain a concentration of 10 milligrams of erythromycin base per milliliter (estimated). Further dilute with 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to the reference concentration of 0.1 microgram of erythromycin base per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e) (1) of that section.

(3) *Pyrogens.* Proceed as directed in § 141.4(b) of this chapter, using a solution containing 30 milligrams of erythromycin per milliliter.

(4) *Safety.* Proceed as directed in § 141.5 of this chapter.

(5) *Moisture.* Proceed as directed in § 141.502 of this chapter.

(6) *pH.* Proceed as directed in § 141.503 of this chapter, using a concentration of 50 milligrams of erythromycin per milliliter.

(7) *Identity.* Proceed as directed in § 141.521 of this chapter, using the sample preparation method described in paragraph (b) (2) of that section.

§ 148e.26 Erythromycin tablets.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Erythromycin tablets are erythromycin with suitable and harmless buffer substances, diluents, binders, lubricants, colorings, flavorings, and suitable preservatives. The potency of each tablet is 75 milligrams, or 100 milligrams, or 250 milligrams of erythromycin. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of erythromycin that it is represented to contain. Tablets shall disintegrate within 1 hour. The moisture content is not more than 7.5 percent. The erythromycin used in making the batch conforms to the standards prescribed by § 148e.1(a) (1) (i), (ii), (iii), (iv), (v), (vii), and (viii).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The erythromycin used in making the batch for potency, safety, pH, moisture, residue on ignition, crystallinity, and identity.

(*b*) The batch for potency, disintegration time, and moisture.

(ii) Samples required:

(*a*) The erythromycin used in making the batch: 10 packages, each containing 500 milligrams.

(*b*) The batch: A minimum of 36 tablets.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Blend a representative number of tablets in a high-speed glass blender for 2 to 3 minutes with 200 milliliters of methyl alcohol. Add 300 milliliters of 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), and blend again for 2 to 3 minutes. Further dilute with solution 3 to the reference concentration of 1.0 microgram of erythromycin base per milliliter (estimated).

(2) *Moisture.* Proceed as directed in § 141.502 of this chapter.

(3) *Disintegration time.* Proceed as directed in § 141.540 of this chapter, using the procedure described in paragraph (e) (2) of that section.

§ 148e.27 Erythromycin stearate tablets.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Erythromycin stearate tablets are tablets composed of erythromycin stearate with suitable and harmless buffer substances, diluents, binders, lubricants, colorings, and flavorings. The potency of each tablet is 75 milligrams, or 100 milligrams, or 125 milligrams, or 250 milligrams of erythromycin. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of erythromycin that it is represented to contain. Tablets shall disintegrate within 1½ hours, except tablets containing sulfonamides shall disintegrate within 2½ hours. The moisture content is not more than 7 percent. The erythromycin stearate used in making the tablets conforms to the standards prescribed by § 148e.6(a) (1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The erythromycin stearate used in making the batch for potency, safety, pH, moisture, residue on ignition, crystallinity, and identity.

(*b*) The batch for potency, moisture, and disintegration time.

(ii) Samples required: A minimum of 36 tablets.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Blend a representative number of tablets in a high-speed glass

blender with 200 milliliters of methyl alcohol for 3 to 5 minutes. Add 300 milliliters of 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), and blend again for 3 to 5 minutes. Further dilute with solution 3 to the reference concentration of 1.0 microgram of erythromycin base per milliliter (estimated).

(2) *Moisture.* Proceed as directed in § 141.502 of this chapter.

(3) *Disintegration time.* Proceed as directed in § 141.540 of this chapter, using the procedure described in paragraph (e) (2) of that section.

§ 148e.29 Erythromycin ethylsuccinate chewable tablets.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Erythromycin ethylsuccinate chewable tablets are tablets composed of erythromycin ethylsuccinate, suitable and harmless diluents, binders, buffers, colorings, and flavorings. The potency of each tablet is equivalent to either 100 milligrams of erythromycin or 200 milligrams of erythromycin. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of erythromycin that it is represented to contain. The moisture content is not more than 5 percent. The crystalline erythromycin ethylsuccinate used conforms to the standards prescribed by § 148e.7(a) (1).

(2) *Labeling.* It shall be labeled in accordance with § 148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The erythromycin ethylsuccinate used in making the batch for potency, safety, moisture, pH, residue on ignition, identity, and crystallinity.

(*b*) The batch for potency and moisture.

(ii) Samples required:

(*a*) The erythromycin ethylsuccinate used in making the batch: 10 packages, each consisting of 500 milligrams.

(*b*) The batch: A minimum of 30 tablets.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Blend a representative number of tablets in a high-speed glass blender for 2 to 3 minutes with 200 milliliters of methyl alcohol. Add 300 milliliters of 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), and blend again for 2 to 3 minutes. Further dilute with solution 3 to the reference concentration of 1.0 microgram of erythromycin base per milliliter (estimated).

(2) *Moisture.* Proceed as directed in § 141.502 of this chapter.

§ 148e.30 Erythromycin estolate chewable tablets.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Erythromycin estolate chewable tablets are tablets composed of erythromycin estolate and suitable and harmless diluents, binders, buffers, colorings, and flavorings. The potency of each tablet is equivalent to 125 milligrams of erythromycin. Its potency is satisfactory if it is not less than 90 percent and not more than 115 percent of the number of milligrams of erythromycin that it is represented to contain. The moisture content is not more than 4 percent. The erythromycin estolate used in making the batch conforms to the standards prescribed by § 148e.5(a) (1).

(2) *Labeling.* It shall be labeled in accordance with § 148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The erythromycin estolate used in making the batch for potency, safety, moisture, pH, crystallinity, and identity.

(*b*) The batch for potency and moisture.

(ii) Samples required:

(*a*) The erythromycin estolate used in making the batch: 10 packages, each consisting of not less than 300 milligrams.

(*b*) The batch: A minimum of 30 tablets.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Blend a representative number of tablets in a high-speed glass blender for 2 to 3 minutes in 200 milliliters of methyl alcohol. Add 300 milliliters of 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), and blend again for 2 to 3 minutes. Hydrolyze this solution in a 60° C. constant temperature water bath for 2 hours or at room temperature for 16 to 18 hours. Further dilute with solution 3 to the reference concentration of 1.0 microgram of erythromycin base per milliliter (estimated).

(2) *Moisture.* Proceed as directed in § 141.502 of this chapter.

§ 148e.31 Erythromycin ophthalmic ointment.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Erythromycin ophthalmic ointment is erythromycin in a suitable and harmless ointment base. Each gram of ointment contains 5 milligrams of erythromycin. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of erythromycin that it is represented to contain. The moisture content is not more than 1 percent. The erythromycin used conforms to the standards prescribed by § 148e.1(a) (1) (i), (ii), (iii), (iv), (v), (vii), and (viii).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The erythromycin used in making the batch for potency, safety, pH, moisture, residue on ignition, crystallinity, and identity.

(*b*) The batch for potency and moisture.

(ii) Samples required:

(*a*) The erythromycin used in making the batch: 10 packages, each containing 500 milligrams.

(*b*) The batch: A minimum of 5 immediate containers.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Place an accurately weighed representative portion of the ointment in a 250-milliliter separatory funnel containing 50 milliliters of reagent-grade petroleum ether. Shake until dissolved. Wash with four separate washings of a 4:1 mixture of methyl alcohol and distilled water. Combine the washings and bring to volume with the methyl alcohol-water solution in a volumetric flask. Further dilute with 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to the reference concentration of 1.0 microgram of erythromycin base per milliliter (estimated).

(2) *Moisture.* Proceed as directed in § 141.502 of this chapter.

§ 148e.34 Erythromycin estolate oral suspension.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Erythromycin estolate oral suspension is erythromycin estolate with suitable and harmless buffer substances, dispersing agents, diluents, coloring, and flavorings. It contains the equivalent of 25 or 50 milligrams of erythromycin per milliliter. Its potency is satisfactory if it is not less than 90 percent and not more than 115 percent of the number of milligrams of erythromycin that it is represented to contain. Its pH is not less than 3.5 and not more than 6.5. The erythromycin estolate used conforms to the standards prescribed by § 148e.5 (a) (1).

(2) *Labeling.* In addition to conforming with the requirements of § 148.3 of this chapter, each package shall bear on its outside wrapper or container and the immediate container the statement "Refrigerate" of "Keep under refrigeration."

(3) *Requests for certification; samples.* In addition to the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The erythromycin estolate used in making the batch for potency, safety, moisture, pH, crystallinity, and identity.

(*b*) The batch for potency and pH.

(ii) Samples required:

(*a*) The erythromycin estolate used in making the batch: 10 containers, each having not less than 300 milligrams.

(*b*) The batch: A minimum of six immediate containers.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Remove an accurately measured representative volume of the suspension and dilute with sufficient methyl alcohol to give a concentration of 2.5 milligrams per milliliter (estimated). Dilute the entire mixture with

sufficient 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to give a concentration of 1.0 milligram of erythromycin base per milliliter (estimated). Hydrolyze in a 60° C. constant temperature water bath for 2 hours or at room temperature for 16 to 18 hours. Further dilute with solution 3 to the reference concentration of 1.0 microgram of erythromycin base per milliliter (estimated).

(2) *pH.* Proceed as directed in § 141.503 of this chapter, using the drug as it is prepared for dispensing.

§ 148e.35 Erythromycin suppositories.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Erythromycin suppositories contain in each suppository 125 milligrams of erythromycin in a suitable and harmless base. The erythromycin content is satisfactory if it is not less than 90 percent nor more than 120 percent of the number of milligrams of erythromycin that it is represented to contain. The moisture content is not more than 1.0 percent. The erythromycin used conforms to the standards prescribed by § 148e.1(a)(1) (i), (ii), (iii), (iv), (v), (vii), and (viii), except its moisture content is not more than 5.0 percent.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The erythromycin used in making the batch for potency, safety, moisture, pH, residue on ignition, identity, and crystallinity.

(*b*) The batch for potency and moisture.

(ii) Samples required:

(*a*) The erythromycin used in making the batch: 10 packages, each containing not less than 500 milligrams.

(*b*) The batch: A minimum of 30 suppositories.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Blend a representative number of suppositories for 3 to 5 minutes in a high-speed glass blender with 200 milliliters of methyl alcohol. Add 300 milliliters of 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), and blend again for 3 to 5 minutes. Remove an aliquot and dilute with solution 3 to the reference concentration of 1.0 microgram of erythromycin base per milliliter (estimated).

(2) *Moisture.* Proceed as directed in § 141.502 of this chapter.

Dated: November 23, 1970.

H. E. SIMMONS,
Director, Bureau of Drugs.

[F.R. Doc. 70-16346; Filed, Dec. 4, 1970; 8:46 a.m.]

PART 148f—GRAMICIDIN

Effective on publication in the FEDERAL REGISTER, Part 148f is republished as follows to incorporate editorial and nonrestrictive technical changes. This order revokes all prior publications.

§ 148f.1 Gramicidin.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Gramicidin is the white, or nearly white, odorless, crystalline compound of a kind of gramicidin or a mixture of two or more such compounds. It is so purified and dried that:

(i) It has a potency of not less than 900 micrograms of gramicidin per milligram.

(ii) It passes the safety test.

(iii) Its loss on drying is not more than 3 percent.

(iv) Its residue on ignition is not more than 1.0 percent.

(v) It does not melt below 229° C. after drying in vacuum at 60° C. for 3 hours.

(vi) The difference between the absorptivity value at the maximum occurring at 282 nanometers and the absorptivity value at the minimum occurring at 247 nanometers is 100±4 percent of the difference obtained with the gramicidin working standard.

(vii) It is crystalline.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3(b) of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, safety, loss on drying, residue on ignition, melting point, identity, and crystallinity.

(ii) Samples required of the batch: Ten packages, each containing approximately 500 milligrams.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 141.111 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient 95 percent ethyl alcohol to give a stock solution of convenient concentration. Further dilute the stock solution volumetrically with 95 percent ethyl alcohol to the reference concentration of 0.04 microgram of gramicidin per milliliter (estimated).

(2) *Safety.* Proceed as directed in § 141.5 of this chapter, except observe the mice for 4 days.

(3) *Loss on drying.* Proceed as directed in § 141.501(b) of this chapter.

(4) *Residue on ignition.* Proceed as directed in § 141.510(a) of this chapter.

(5) *Melting point.* Proceed as directed in § 141.515 of this chapter.

(6) *Identity.* Accurately weigh about 20 milligrams of the sample and dilute in ethyl alcohol to give a concentration of 0.05 milligram (estimated) of gramicidin per milliliter. Prepare a solution of the gramicidin working standard to contain 0.05 milligram per milliliter in ethyl alcohol. Using a suitable recording spectrophotometer with 1-centimeter cells, record the ultraviolet absorbance spectrum of each solution from 220 nanometers to 320 nanometers. The ultraviolet absorbance spectrum of the sample solution should compare qualitatively to that of the working standard solution. Determine the absorptivities of each at the maximum occurring at 282 nanometers and at the minimum occurring at 247 nanometers (the exact position of the maximum and minimum of the gramicidin working standard should be determined for the particular instrument used). The difference in the absorptivities of the sample is 100±4.0 percent of that of the working standard.

(7) *Crystallinity.* Proceed as directed in § 141.504(a) of this chapter.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: November 23, 1970.

H. E. SIMMONS,
Director, Bureau of Drugs.

[F.R. Doc. 70-16344; Filed, Dec. 4, 1970; 8:46 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Department of Housing and Urban Development

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following miscellaneous amendments have been made to this chapter to lower from 8½ percent to 8 percent the maximum rate of interest for certain mortgage and loan insurance programs under the National Housing Act:

SUBCHAPTER C—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

Subpart A—Eligibility Requirements

1. In § 203.20 paragraph (a) is amended to read as follows:

§ 203.20 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 8 percent, except that the mortgage may bear interest at a rate not to exceed 8½ percent with respect to mortgages insured pursuant to commitments issued by the Secretary before December 2, 1970.

* * * * *

2. In § 203.74 paragraph (a) is amended to read as follows:

§ 203.74 Maximum interest rate.

(a) The loan shall bear interest at the rate agreed upon by the lender and the borrower, which rate shall not exceed 8 percent, except that the loan may bear interest at a rate not to exceed 8½ percent with respect to loans insured pursuant to commitments issued by the Secretary before December 2, 1970.

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709)

SUBCHAPTER D—RENTAL HOUSING INSURANCE

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

Subpart A—Eligibility Requirements

3. In § 207.7 paragraph (a) is amended to read as follows:

§ 207.7 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 8 percent, except that the mortgage may bear interest at a rate not to exceed 8½ percent with respect to mortgages insured pursuant to:

(1) Letters issued by the Secretary before December 2, 1970 inviting submission of an application for commitment.

(2) Applications for commitment received by the Secretary before December 2, 1970.

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 207, 52 Stat. 16, as amended; 12 U.S.C. 1713)

SUBCHAPTER E—COOPERATIVE HOUSING INSURANCE

PART 213—COOPERATIVE HOUSING MORTGAGE INSURANCE

Subpart A—Eligibility Requirements—Projects

4. In § 213.10 paragraph (a) is amended to read as follows:

§ 213.10 Maximum interest rate.

(a) The mortgage or a supplementary loan shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, or the lender and the borrower, which rate shall not exceed 8 percent, except that the mortgage or supplementary loan may bear interest at a rate not to exceed 8½ percent with respect to mortgages or supplementary loans insured pursuant to:

(1) Letters issued by the Secretary before December 2, 1970 inviting submission of an application for commitment.

(2) Applications for commitment received by the Secretary before December 2, 1970.

* * * * *

Subpart C—Eligibility Requirements—Individual Properties Released From Project Mortgage

5. In § 213.511 paragraph (a) is amended to read as follows:

§ 213.511 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 8 percent, except that the mortgage may bear interest at a rate not to exceed 8½ percent with respect to mortgages insured pursuant to commitments issued by the Secretary before December 2, 1970.

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 213, 64 Stat. 54, as amended; 12 U.S.C. 1715e)

SUBCHAPTER F—URBAN RENEWAL HOUSING INSURANCE AND INSURED IMPROVEMENT LOANS

PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

Subpart C—Eligibility Requirements—Projects

6. In § 220.576 paragraph (a) is amended to read as follows:

§ 220.576 Maximum interest rate.

(a) The loan shall bear interest at the rate agreed upon by the lender and the borrower, which rate shall not exceed 8 percent, except that the loan may bear interest at a rate not to exceed 8½ percent with respect to loans insured pursuant to:

(1) Letters issued by the Secretary before December 2, 1970 inviting submission of an application for commitment.

(2) Applications for commitment received by the Secretary before December 2, 1970.

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 220, 68 Stat. 590, as amended; 12 U.S.C. 1715k)

SUBCHAPTER G—HOUSING FOR MODERATE INCOME AND DISPLACED FAMILIES

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

Subpart C—Eligibility Requirements—Moderate Income Projects

7. In § 221.518 paragraph (a) is amended to read as follows:

§ 221.518 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 8 percent, except that the mortgage may bear interest at a rate not to exceed 8½ percent with respect to mortgages insured pursuant to:

(1) Letters issued by the Secretary before December 2, 1970 inviting submission of an application for commitment.

(2) Applications for commitment received by the Secretary before December 2, 1970.

Interest shall be payable in monthly installments on the principal amount of the mortgage outstanding on the due date of each installment.

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 221, 68 Stat. 599, as amended; 12 U.S.C. 1715l)

SUBCHAPTER J—MORTGAGE INSURANCE FOR NURSING HOMES AND INTERMEDIATE CARE FACILITIES

PART 232—NURSING HOMES AND INTERMEDIATE CARE FACILITIES MORTGAGE INSURANCE

Subpart A—Eligibility Requirements

8. In § 232.29 paragraph (a) is amended to read as follows:

§ 232.29 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 8 percent, except that the mortgage may bear interest at a rate not to exceed 8½ percent with respect to mortgages insured pursuant to:

(1) Letters issued by the Secretary before December 2, 1970 inviting submission of an application for commitment.

(2) Applications for commitment received by the Secretary before December 2, 1970.

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 232, 73 Stat. 663; 12 U.S.C. 1715w)

SUBCHAPTER L—CONDOMINIUM HOUSING INSURANCE

PART 234—CONDOMINIUM OWNERSHIP MORTGAGE INSURANCE

Subpart A—Eligibility Requirements—Individually Owned Units

9. In § 234.29 paragraph (a) is amended to read as follows:

§ 234.29 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 8 percent, except that the mortgage may bear interest at a rate not to exceed 8½ percent with respect to mortgages insured pursuant to commitments issued by the Secretary before December 2, 1970.

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 234, 75 Stat. 160; 12 U.S.C. 1715y)

SUBCHAPTER M—HOMES FOR LOWER INCOME FAMILIES

PART 235—MORTGAGE INSURANCE AND ASSISTANCE PAYMENTS FOR HOME OWNERSHIP AND PROJECT REHABILITATION

Subpart D—Eligibility Requirements—Rehabilitation Sales Projects

10. Section 235.540 is amended to read as follows:

§ 235.540 Maximum interest rate.

The mortgage shall bear interest at the rate agreed upon by the mortgagee

and the mortgagor, which rate shall not exceed 8 percent, except that the mortgage may bear interest at a rate not to exceed 8½ percent with respect to mortgages insured pursuant to:

(a) Letters issued by the Secretary before December 2, 1970, inviting submission of an application for commitment.

(b) Applications for commitment received by the Secretary before December 2, 1970.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 235, 82 Stat. 477; 12 U.S.C. 1715z)

SUBCHAPTER N—PROJECTS FOR LOWER INCOME FAMILIES

PART 236—MORTGAGE INSURANCE AND INTEREST REDUCTION PAYMENTS

Subpart A—Eligibility Requirements for Mortgage Insurance

11. Section 236.15 is amended to read as follows:

§ 236.15 Maximum interest rate.

The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 8 percent, except that the mortgage may bear interest at a rate not to exceed 8½ percent with respect to mortgages insured pursuant to:

(a) Letters issued by the Secretary before December 2, 1970 inviting submission of an application for commitment.

(b) Applications for commitment received by the Secretary before December 2, 1970.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 236, 52 Stat. 498; 12 U.S.C. 1715z-1)

SUBCHAPTER Q—SUPPLEMENTAL PROJECT LOAN INSURANCE

PART 241 — SUPPLEMENTARY FINANCING FOR FHA PROJECT MORTGAGES

Subpart A—Eligibility Requirements

12. Section 241.75 is amended to read as follows:

§ 241.75 Maximum interest rate.

The loan shall bear interest at the rate agreed upon by the lender and the borrower, which rate shall not exceed 8 percent, except that the loan may bear interest at a rate not to exceed 8½ percent with respect to loans insured pursuant to:

(a) Letters issued by the Secretary before December 2, 1970, inviting submission of an application for commitment.

(b) Applications for commitment received by the Secretary before December 2, 1970.

Interest shall be payable in monthly installments on the principal then outstanding.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 241, 82 Stat. 508, 12 U.S.C. 1715z-b)

SUBCHAPTER V—LAND DEVELOPMENT INSURANCE

PART 1000—MORTGAGE INSURANCE FOR LAND DEVELOPMENT

Subpart A—Eligibility Requirements

13. Section 1000.50 is amended to read as follows:

§ 1000.50 Maximum interest rate.

The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 8 percent, except that the mortgage may bear interest at a rate not to exceed 8½ percent with respect to mortgages insured pursuant to:

(a) Letters issued by the Secretary before December 2, 1970 inviting submission of an application for commitment.

(b) Applications for commitment received by the Secretary before December 2, 1970.

(Sec. 1010, 79 Stat. 464; 12 U.S.C. 1749jj)

SUBCHAPTER W—GROUP PRACTICE FACILITIES INSURANCE

PART 1100—MORTGAGE INSURANCE FOR GROUP PRACTICE FACILITIES

Subpart A—Eligibility Requirements

14. In § 1100.45 paragraph (a) is amended to read as follows:

§ 1100.45 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 8 percent, except that the mortgage may bear interest at a rate not to exceed 8½ percent with respect to mortgages insured pursuant to:

(1) Letters issued by the Secretary before December 2, 1970 inviting submission of an application for commitment.

(2) Applications for commitment received by the Secretary before December 2, 1970.

(Sec. 1104, 80 Stat. 1275; 12 U.S.C. 1749aaa-3)

Issued at Washington, D.C., December 1, 1970.

WOODWARD KINGMAN,
Deputy Assistant Secretary for Housing Production and Mortgage Credit and Deputy Federal Housing Commissioner.

[F.R. Doc. 70-16392; Filed, Dec. 4, 1970; 8:50 a.m.]

SUBCHAPTER G—HOUSING FOR MODERATE INCOME AND DISPLACED FAMILIES

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

Subpart D—Contract Rights and Obligations—Moderate Income Projects

MORTGAGE INSURANCE PREMIUM

This amendment waives mortgage insurance premium for projects in which all units are covered by an annual contributions contract issued pursuant to section 10(c) of the Housing Act of 1937.

1. Section 221.755 is amended to read as follows:

§ 221.755 First, second, and third premium.

All of the provisions of § 207.252 of this chapter, relating to mortgage insurance premiums, apply to mortgages insured under this subpart that provide for interest at the market rate prescribed in § 221.518(a) but such provisions shall not apply to:

(a) Mortgages that provide for interest during the construction period at the market rate and for interest subsequent to final endorsement at the below market rate prescribed in § 221.518(b); or

(b) Mortgages encumbering a project in which all units are covered by an annual contributions contract issued pursuant to section 10(c) of the Housing Act of 1937.

2. Section 221.760 is amended to read as follows:

§ 221.760 Adjusted premium and termination charges.

All of the provisions of § 207.253 of this chapter, relating to adjusted premium and termination charges, apply to mortgages insured under this subpart that provide for interest at the market rate prescribed in § 221.518(a), but such provisions shall not apply to:

(a) Mortgages that provide for interest during the construction period at the market rate and for interest subsequent to final endorsement at the below market rate prescribed in § 221.518(b); or

(b) Mortgages encumbering a project in which all units are covered by an annual contributions contract issued pursuant to section 10(c) of the Housing Act of 1937.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715(b). Interprets or applies sec. 221, 68 Stat. 590, 12 U.S.C. 1715(l))

Issued at Washington, D.C., December 1, 1970.

WOODWARD KINGMAN,
Acting Federal Housing Commissioner.

[F.R. Doc. 70-16391; Filed, Dec. 4, 1970; 8:50 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 7072]

PART 13—TEMPORARY INCOME TAX REGULATIONS UNDER THE TAX REFORM ACT OF 1969

Arbitrage Bonds

Correction

In F.R. Doc. 70-15322 appearing at page 17406 in the issue of Friday, November 13, 1970, the figure in the third line of *"Example (2)"* under § 13.4(a)(5)

(ii) reading "$114,922,000" should read "$14,922,000".

[T.D. 7078]

SUBCHAPTER C—EMPLOYMENT TAXES

PART 31—EMPLOYMENT TAXES; APPLICABLE ON AND AFTER JANUARY 1, 1955

SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES

PART 48—MANUFACTURERS AND RETAILERS EXCISE TAXES

Deposit of Certain Taxes and Filing of Certain Returns

On September 26, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 14992) to revise the rules for the deposit of certain employment and excise taxes and to revise the rules for the time for filing certain returns of employment taxes. After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the following regulations are hereby adopted:

PARAGRAPH 1. Paragraph (c) of § 31.6071(a)–1 is amended to read as follows:

§ 31.6071(a)–1 Time for filing returns and other documents.

* * * * *

(c) *Federal Unemployment Tax Act.* Each return of the tax imposed by the Federal Unemployment Tax Act required to be made under § 31.6011(a)–3 shall be filed on or before the last day of the first calendar month following the period for which it is made. However, a return for a period which ends after December 31, 1970, may be filed on or before the 10th day of the second calendar month following such period if timely deposits under section 6302(c) of the Code and the regulations thereunder have been made in full payment of such tax due for the period. For the purpose of the preceding sentence, a deposit which is not required by such regulations in respect of the return period may be made on or before the last day of the first calendar month following the close of such period, and the timeliness of any deposit will be determined by the date the deposit is received (or is deemed received under section 7502(e)) by a Federal Reserve bank or by an authorized commercial bank, whichever is earlier.

* * * * *

PAR. 2. Paragraph (a)(1)(i), (ii), and (iv) of § 31.6302(c)–1 is revised to read as follows:

§ 31.6302(c)–1 Use of Government depositaries in connection with taxes under Federal Insurance Contributions Act and income tax withheld.

(a) *Requirement*—(1) *In general.* (i) In the case of a calendar month which begins after January 31, 1971—

(*a*) Except as provided in paragraph (b) of this section and hereinafter in this subdivision (i), if at the close of any calendar month other than the last month of a period for which a return is required to be filed (hereinafter in this subparagraph referred to as a return period), the aggregate amount of taxes (as defined in subdivision (iii) of this subparagraph) is $200 or more, the employer shall deposit the undeposited taxes in a Federal Reserve bank or authorized commercial bank (see subparagraph (3)(iii) of this pargraph) within 15 days after the close of such calendar month. However, the preceding sentence shall not apply if the employer has made a deposit of taxes pursuant to (*b*) of this subdivision (i) with respect to a quarter-monthly period which occurred during such month; or

(*b*) If at the close of any quarter-monthly period the aggregate amount of undeposited taxes is $2,000 or more, the employer shall deposit the undeposited taxes in a Federal Reserve bank or authorized commercial bank within 3 banking days after the close of such quarter-monthly period. For purposes of determining the amount of undeposited taxes at the close of a quarter-monthly period, undeposited taxes with respect to wages paid during a prior quarter-monthly period shall not be taken into account if the employer has made a deposit with respect to such prior quarter-monthly period. An employer will be considered to have complied with the requirements of this subdivision (i) (*b*) for a deposit with respect to the close of a quarter-monthly period if—

(*1*) His deposit is not less than 90 percent of the aggregate amount of the taxes with respect to wages paid during the period for which the deposit is made, and

(2) If such quarter-monthly period occurs in a month other than the last month of a return period, he deposits any underpayment with his first deposit which is otherwise required by this subdivision (i) to be made after the 15th day of the following month.

The excess (if any) of a deposit over the actual taxes for a deposit period shall be applied in order of time to each of the employer's succeeding deposits with respect to the same return period, until exhausted, to the extent that the amount by which the taxes for a subsequent deposit period exceed the deposit for such subsequent deposit period. For purposes of this subdivision (i), "quarter-monthly period" means the first 7 days of a calendar month, the 8th day through the 15th day of a calendar month, the 16th day through the 22d day of a calendar month, or the portion of a calendar month following the 22d day of such month.

(ii) (*a*) Except as provided in paragraph (b) of this section and (*b*) of this subdivision (ii), if during any calendar month which begins before February 1, 1971, other than the last month of a calendar quarter, the aggregate amount of taxes (as defined in subdivision (iii) of this subparagraph) exceeds $100 in the case of an employer, such employer shall deposit such aggregate amount within 15 days after the close of such calendar month with a Federal Reserve bank or authorized commercial bank. Notwithstanding the provisions of this subdivision (ii) (*a*)—

(*1*) Amounts required to be deposited for May 1966 may be deposited after June 15, 1966, but not later than June 20, 1966, if such amounts are combined with an amount required to be deposited under (*b*) of this subdivision (ii) for the first semimonthly period in June 1966, and

(2) Amounts required to be deposited under this subdivision (ii) for January 1967 may be deposited after February 15, 1967, but not later than February 20, 1967, if such amounts are combined with an amount required to be deposited under (*b*) of this subdivision (ii) for the first semimonthly period in February 1967.

(*b*) This subdivision (ii) (*b*) shall apply to taxes with respect to wages paid by an employer after January 31, 1967, and before February 1, 1971, if the aggregate of the taxes with respect to wages paid during any calendar month in the preceding calendar quarter exceeded $2,500 in the case of such employer. This subdivision (ii) (*b*) also applies to taxes with respect to wages paid by an employer during June 1966, during either of the last two calendar quarters in the calendar year 1966, or during January 1967, if the aggregate of the taxes with respect to wages paid during any calender month in the preceding calender quarter exceeded $4,000 in the case of such employer. An employer shall deposit taxes to which this subdivision (ii) (*b*) applies in a Federal Reserve bank or authorized commercial bank within 3 banking days after the close of the semimonthly period during which the wages to which such taxes relate are paid. For purposes of this subdivision (ii) (*b*), "semimonthly period" means the first 15 days of a calendar month or the portion of a calendar month following the 15th of such month. An employer will be considered to have complied with the requirements of this subdivision (ii) (*b*) for a semimonthly period if—

(*1*) (*i*) His deposit for such semimonthly period is not less than 90 percent of the aggregate amount of the taxes for such period, and (*ii*) if such period occurs in a month other than the last month in a calendar quarter, he deposits any underpayment for such month within 3 banking days after the 15th day of the following month;

(2) (*i*) His deposit for each semimonthly period in the month is not less than 45 percent of the aggregate amount of the taxes for the month, and (*ii*) if such month is other than the last month in a calendar quarter, he deposits any underpayment for such month within 3 banking days after the 15th day of the following month; or

(3) (*i*) His deposit for each semimonthly period in the month is not less than 50 percent of the aggregate amount of the taxes for the preceding month, and (*ii*) if the current month is other than the last month in a calendar quarter, he deposits any underpayment for such month within 3 banking days after the 15th day of the following month.

Items (2) and (3) of this subdivision (ii) (*b*) shall not apply to any employer who normally pays in the first semimonthly period in each month more than 75 percent of the total wages paid during the month.

* * * * *

(iv) If the aggregate amount of taxes reportable on a return (other than a return on Form 942) for a return period exceeds the total amount deposited by the employer pursuant to subdivision (i) or (ii) of this subparagraph for such return period (*a*) by $200 or more in the case of a return period which ends after December 31, 1970, or (*b*) by more than $100 in the case of a return period which ends before January 1, 1971, the employer shall, on or before the last day of the first calendar month following the return period, deposit with a Federal Reserve bank or authorized commercial bank an amount equal to the amount by which the taxes reportable on the return exceed the total deposits (if any) made pursuant to subdivision (i) or (ii) of this subparagraph for such period. As used in this subdivision, the term "taxes" shall have the meaning assigned to such term in subdivision (iii) of this subparagraph, except that the term shall include the employee tax and employer tax referred to in (*a*) and (*b*) of such subdivision (iii) of this subparagraph with respect to any wages for domestic service in a private home of the employer which the employer elects to report on a quarterly return other than a quarterly return made on Form 942.

* * * * *

PAR. 3. Section 48.6302(c)–1 is amended by revising subdivision (ii) of paragraph (a)(1) and by revising paragraph (b), to read as follows:

§ 48.6302(c)–1 Use of Government depositaries.

(a) *Requirement*—(1) *In general.* * * *

(ii) This subdivision shall apply to excise taxes (to which this part relates) which are reportable on Form 720 by any person for a calendar quarter if such person's total liability for all excise taxes reportable on such form for any calendar month in the preceding calendar quarter exceeded $2,000. In any case to which this subdivision applies, the excise tax for a semimonthly period (as defined in paragraph (b)(1) of this section) shall be deposited by such person in a Federal Reserve bank on or before the depositary date (as defined in paragraph (b)(2) of this section). A person will be considered to have complied with the requirements of this subdivision for a semimonthly period if—

(*a*) (*1*) His deposit for such semimonthly period is not less than 90 percent of the total amount of the excise taxes (to which this part and Part 46 relate) reportable by him on Form 720 for such period, and (*2*) if such period occurs in a month other than the last month in a calendar quarter, he deposits any underpayment for such month by the 9th day of the second month following such month (the last day of the first following month, in the case of a semimonthly period ending before Feb. 1, 1971); or

(*b*) (*1*) His deposit for each semimonthly period in the month is not less than 45 percent of the total amount of the excise taxes (to which this part and Part 46 relate) reportable by him on Form 720 for the month, and (*2*) if such month is other than the last month in a calendar quarter, he deposits any underpayment for such month by the 9th day of the second month following such month (the last day of the first following month, in the case of a semimonthly period ending before Feb. 1, 1971); or

(*c*) (*1*) His deposit for each semimonthly period in the month is not less than 50 percent of the total amount of the excise taxes (to which this part and Part 46 relate) reportable by him on Form 720 for the second preceding calendar month (the preceding calendar month for periods ending before Feb. 1, 1971), and (*2*) if such month is other than the last month in a calendar quarter, he deposits any underpayment for such month by the 9th day of the second month following such month (the last day of the first following month, in the case of a semimonthly period ending before Feb. 1, 1971) or;

(*d*) (*1*) The requirements of (*a*)(*1*), (*b*)(*1*), or (*c*)(*1*) of this subdivision (if applicable under the last sentence of this subdivision (ii)) are satisfied for the first semimonthly period of a calendar month after January 1971, (*2*) his deposit for the second semimonthly period of such calendar month is, when added to the deposit for such first semimonthly period, not less than 90 percent of the total amount of the excise taxes to which this part relates reportable by him on Form 720 for such month, and (*3*) if such period occurs in a month other than the last month in a calendar quarter, he deposits any underpayment for such month by the 9th day of the second month following such month.

Accordingly, a person who makes his deposit in accordance with the provisions of (*b*), (*c*), or (*d*) of this subdivision will not find it necessary to keep his books and records on a semimonthly basis. However, (*b*) and (*c*) of this subdivision shall not apply to any person who normally incurs in the first semimonthly period in each month more than 75 percent of his total excise tax liability (to which this part and Part 46 of this chapter relate) for the month.

* * * * *

(b) *Definitions.* For purposes of this part—

(1) *Semimonthly period.* A "semimonthly period" means the first 15 days of a calendar month or the portion of a calendar month following the 15th day of such month.

(2) *Depositary date.* (i) The depositary date for deposits for semimonthly periods beginning after January 31, 1971, is the 9th day of the semimonthly period following the semimonthly period for which the taxes are reportable.

(ii) The depositary date for deposits for semimonthly periods ending before February 1, 1971, is the last day of the semimonthly period following the semimonthly period for which the taxes are reportable.

* * * * *

(Sec. 7805, Internal Revenue Code of 1954, 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

Approved: December 3, 1970.

EDWIN S. COHEN,
Assistant Secretary of the Treasury.

[F.R. Doc. 70–16453; Filed, Dec. 4, 1970; 8:51 a.m.]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Order No. 444–70]

PART 45—STANDARDS OF CONDUCT

Director, Executive Office for U.S. Attorneys; Change of Title

By virtue of the authority vested in me by sections 509, 510, 519, and chapter 35 of title 28 and section 301 of title 5, United States Code, it is ordered as follows:

1. Effective November 15, 1970, the title of "Associate Deputy Attorney General for U.S. Attorneys" is changed to "Director, Executive Office for U.S. Attorneys". Order No. 429–70 of April 17, 1970, is superseded.

2. Section 45.735–22(c)(2)(ii), of Part 45 of Chapter I of Title 28, Code of Federal Regulations, relating to employees required to report outside interests, is amended by inserting "Director, Executive Office for U.S. Attorneys" immediately after "Executive Assistant."

Dated: November 27, 1970.

JOHN N. MITCHELL,
Attorney General.

[F.R. Doc. 70–16367; Filed, Dec. 4, 1970; 8:48 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 870—RESTRICTION ON GARNISHMENT

Exemption of Garnishments Issued Under Laws of Kentucky

On September 11, 1970, notice was published in the FEDERAL REGISTER (35 F.R. 14368) that seven States, including the State of Kentucky, had filed applications with the Administrator of the Wage and Hour Division of the Department of Labor for the exemption of the respective State-regulated garnishments

from the provisions of section 303(a) of the Consumer Credit Protection Act (CCPA). Interested persons were given 30 days in which to comment on each of the applications.

After examination of Chapters 425 and 427 of the Kentucky Revised Statutes, as amended by Chapter 217 of the Acts of the General Assembly of Kentucky (1970), and after consideration of all relevant matters received, I have determined that the laws of the State of Kentucky provide restrictions on garnishment which are substantially similar to those provided in section 303(a) of the CCPA, and that, therefore, garnishments issued under those laws should be exempted from the provisions of section 303(a).

Accordingly, pursuant to sections 305 and 306 of the CCPA (82 Stat. 164; 15 U.S.C. 1675, 1676), and to 29 CFR 870.2 and Subpart C of such part, I hereby amend 29 CFR Part 870 in the manner set forth below.

Effective date. Inasmuch as this amendment grants an exemption, no delay in effective date is required by 5 U.S.C. 553. Nor would any delay serve a useful purpose here. Accordingly, this amendment shall become effective upon the date prescribed therein.

Part 870 of Title 29 of the Code of Federal Regulations is hereby amended by adding thereto a new § 870.57, to read as follows:

§ 870.57 Exemptions.

Pursuant to section 305 of the CCPA (82 Stat. 164) and in accordance with the provisions of this part, it has been determined that the laws of the following States provide restrictions on garnishment which are substantially similar to those provided in section 303(a) of the CCPA (82 Stat. 163), and that, therefore, garnishments issued under those laws should be, and they hereby are, exempted from the provisions of section 303(a) subject to the terms and conditions of §§ 870.55(a) and 870.56:

(a) *State of Kentucky.* Effective December 5, 1970, garnishments issued under the laws of the State of Kentucky are exempt from the provisions of section 303(a) of the CCPA: *Provided,* That garnishments served in the State of Kentucky which, by virtue of section 427.050 of the Kentucky Revised Statutes, as amended, are governed by the exemption laws of another State shall not be deemed, for the purposes of this exemption, to be issued under the laws of the State of Kentucky, and section 303(a) of the CCPA shall apply to such garnishments according to the provisions thereof.

(Secs. 305, 306, 82 Stat. 164; 15 U.S.C. 1675, 1676)

Signed at Washington, D.C., this 1st day of December 1970.

ROBERT D. MORAN,
Administrator.

[F.R. Doc. 70-16360; Filed, Dec. 4, 1970; 8:47 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER G—PREVENTION, CONTROL, AND ABATEMENT OF AIR POLLUTION

PART 81—AIR QUALITY CONTROL REGIONS, CRITERIA, AND CONTROL TECHNIQUES

Certain Air Quality Control Regions in Georgia and South Carolina

On September 22, 1970, notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 14730) to amend Part 81 by designating the Savannah (Geogria)—Beaufort (South Carolina) and Augusta (Georgia)—Aiken (South Carolina) Interstate Air Quality Control Regions.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments, and consultations with appropriate State and local authorities pursuant to section 107(a) of the Clean Air Act (42 U.S.C. 1857c-2(a)) were held on October 1, 1970. Due consideration has been given to all relevant material presented.

In consideration of the foregoing and in accordance with the statement in the notice of proposed rule making, § 81.113, as set forth below, designating the Savannah (Georgia)—Beaufort (South Carolina) Interstate Air Quality Control Region, and § 81.114, as set forth below, designating the Augusta (Georgia)—Aiken (South Carolina) Interstate Air Quality Control Region, are adopted effective on publication.

§ 81.113 Savannah (Georgia) — Beaufort (South Carolina) Interstate Air Quality Control Region.

The Savannah (Georgia)—Beaufort (South Carolina) Interstate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Georgia:

Bryan County.	Effingham County.
Chatham County.	Liberty County.

In the State of South Carolina:

Beaufort County.	Hampton County.
Colleton County.	Jasper County.

§ 81.114 Augusta (Georgia)—Aiken (South Carolina) Interstate Air Quality Control Region.

The Augusta (Georgia)—Aiken (South Carolina) Interstate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Georgia:

Burke County.	Richmond County.
Columbia County.	Screven County.
McDuffie County.	

In the State of South Carolina:

Aiken County.	Barnwell County.
Allendale County.	Calhoun County.
Bamberg County.	Orangeburg County.

(Secs. 107(a), 301(a), 81 Stat. 490, 504; 42 U.S.C. 1857c-2(a), 1857g(a))

Dated: November 10, 1970.

JOHN T. MIDDLETON,
Commissioner, National Air Pollution Control Administration.

Approved: November 30, 1970.

ELLIOT L. RICHARDSON,
Secretary.

[F.R. Doc. 70-16361; Filed, Dec. 4, 1970; 8:47 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter VI—Bureau of Domestic Commerce, Department of Commerce

[DMS Order 4, Dir. 1, as amended (formerly BDSA Order M-11A, Dir. 1, as amended)]

DMS ORDER 4, DIR. 1—AMMO STRIP SET-ASIDE

Revocation

DECEMBER 3, 1970.

DMS Order 4, Direction 1, as amended (formerly BDSA Order M-11A Direction 1, as amended, 31 F.R. 15320, 35 F.R. 7648), is hereby revoked. This revocation does not relieve any person of any obligation or liability incurred under DMS Order 4, Direction 1, as amended (formerly BDSA Order M-11A, Direction 1, as amended), nor deprive any person of any rights received or accrued under said direction prior to the effective date of this revocation.

(Sec. 704, 64 Stat. 816, as amended, 50 U.S.C. App. 2154; sec. 1, Public Law 91-379)

This revocation shall take effect December 3, 1970.

BUREAU OF DOMESTIC COMMERCE,
WILLIAM D. LEE,
Director.

[F.R. Doc. 70-16162; Filed, Dec. 4, 1970; 8:45 a.m.]

[DMS Order 4, Dir. 2, as amended (formerly BDSA Order M-11A, Dir. 2, as amended)]

DMS ORDER 4, DIR. 2—DOMESTIC REFINED COPPER SET-ASIDE

Revocation

DECEMBER 3, 1970.

DMS Order 4, Direction 2, as amended (formerly BDSA Order M-11A, Direction

2, as amended, 34 F.R. 18300, 35 F.R. 7648, 35 F.R. 13733), is hereby revoked. This revocation does not relieve any person of any obligation or liability incurred under DMS Order 4, Direction 2, as amended (formerly BDSA Order M-11A, Direction 2, as amended), nor deprive any person of any rights received or accured under said direction prior to the effective date of this revocation.

(Sec. 704, 64 Stat. 816, as amended, 50 U.S.C. App. 2154; sec. 1, Public Law 91-379)

This revocation shall take effect January 1, 1971.

BUREAU OF DOMESTIC COMMERCE,
WILLIAM D. LEE,
Director.

[F.R. Doc. 70-16181; Filed, Dec. 4, 1970; 8:45 a.m.]

[DPS Reg. 1 (formerly BDSA Reg. 2, as amended), Amdt. 5]

DPS REG. 1—BASIC RULES OF THE PRIORITIES SYSTEM

List A

DECEMBER 3, 1970.

This amendment is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amendment, there was consultation with industry representatives, including trade association representatives and consideration was given to their recommendations.

This amendment supersedes Amendment 4 to DPS Regulation 1 (formerly BDSA Reg. 2, Amdt. 9, 31 F.R. 13852). It affects DPS Regulation 1 as heretofore amended by continuing to exclude from the category of items not subject to ratings the following, thereby making them subject to ratings under this regulation: (a) Copper intermediate shapes, and (b) radioisotopes, stable isotopes, source and fissionable materials produced by Government-owned plants or facilities operated by or for the Atomic Energy Commission. Commencing with January 1, 1971, the effective date of this amendment, it further affects DPS Regulation 1 as heretofore amended by including domestic refined copper (as previously defined in Direction 2 to BDSA Order M-11A, 34 F.R. 18300) copper-base alloy ingot, shot, and waffle containing 3 percent or more of nickel (by weight) as among the copper raw matrials not subject to ratings under this regulation.

Item 1 of List A of DPS Regulation 1 is hereby amended to read as follows:

1. The following items are presently not subject to any ratings issued by or under the authority of BDC, and therefore no rating shall be effective to obtain any of them:
Communications services.
Copper raw materials as that term is defined in DMS Order 4 (formerly BDSA Order M-11A), except intermediate shapes (as defined in that order).
Crushed stone.
Gravel.
Sand.
Scrap.
Slag.
Steam heat, central.
Waste paper.
Wood pulp.

Item 2 of List A of DPS Regulation 1 (formerly BDSA Reg. 2) is hereby amended by changing paragraph (e) thereunder to read as follows:

(e) Radioisotopes, stable isotopes, source and fissionable materials, produced by Government-owned plants or facilities operated by or for the Atomic Energy Commission,

and by deleting footnote 2 therefrom.

(Sec. 704, 64 Stat. 816, as amended, 50 U.S.C. App. 2154; sec. 1, Public Law 91-379, 50 U.S.C. App. 2166; E.O. 10480, as amended, 18 F.R. 4939, 6201, 19 F.R. 3807, 7249, 21 F.R. 1673, 23 F.R. 5061, 6971, 24 F.R. 3779, 27 F.R. 9683, 11447; DMO 8400.1, 28 F.R. 12164; Commerce Department Organization Order No. 40-1A, 35 F.R. 15174)

This amendment shall take effect January 1, 1971.

BUREAU OF DOMESTIC COMMERCE,
WILLIAM D. LEE,
Director.

[F.R. Doc. 70-16180; Filed, Dec. 4, 1970; 8:45 a.m.]

Chapter X—Oil Import Administration, Department of the Interior

[Oil Import Reg. 1 (Rev. 5), Amdt. 25]

OI REG. 1—OIL IMPORT REGULATION

Canadian Overland Imports; Districts I-IV

Because of the shortfall of overseas imports of crude oil, it appears in the public interest to permit a supplementation of domestic production by Canadian imports for which pipeline capacity and demand exists. Accordingly, a new paragraph (m), reading as follows, is added to section 29 of Oil Import Regulation 1 (Revision 5) (35 F.R. 10296):

Sec. 29 Canadian Overland Imports—Districts I-IV—July 1, 1970-December 31, 1970.

* * * * *

(m) If a person holds an allocation of Canadian imports under this section and if he also holds an allocation of imports under section 9, 10, or 25 for the period January 1, 1970, through December 31, 1970, he may obtain from the Administrator a license which will permit him to import Canadian imports in a quantity not exceeding two-thirds of the amount of the allocation made under section 9, 10, or 25. Such licenses shall be charged against the allocation made under section 9, 10, or 25.

In view of the short time remaining in the current allocation period, it is impracticable to give notice of proposed ruling on, or to delay the effective date of, the amendment. Accordingly, this Amendment 25 shall be effective immediately.

FRED J. RUSSELL,
Acting Secretary of the Interior.

DECEMBER 1, 1970.

I concur: December 3, 1970.

GEORGE A. LINCOLN,
Director, Office of Emergency Preparedness.

[F.R. Doc. 70-16456; Filed, Dec. 4, 1970; 4:45 p.m.]

Title 49—TRANSPORTATION

Chapter I—Hazardous Materials Regulations Board, Department of Transportation

[Docket No. HM-55; Amdt. 178-15]

PART 178—SHIPPING CONTAINER SPECIFICATIONS

Polyethylene Liners

The purpose of this amendment to the Hazardous Materials Regulations of the Department of Transportation is to increase the maximum marked capacity of Department of Transportation Specifications 2S and 2SL polyethylene liners from 29 and 53 gallons to 30 and 55 gallons, respectively. A new Note 2 is being added to § 178.24-2 to authorize the use of high density polyethylene (Type III) in Specification 2U liners up to 6½ gallons maximum capacity.

A notice of proposed rule making was published on August 22, 1970 (35 F.R. 13464) which proposed this amendment. Interested persons were invited to give their views on the proposal. All comments received supported the proposal.

Accordingly, 49 CFR Part 178 is amended as follows:

(A) In § 178.24 paragraph (a), Note 2 is added to read as follows:

§ 178.24 Specification 2U; molded or thermoformed polyethylene containers having rated capacity of over 1 gallon. Removable head containers or containers fabricated from film not authorized.

§ 178.24-2 Material.

(a) * * *

NOTE 2: Type III polyethylene, as specified in Appendix B to this part, is authorized for containers up to 6 gallons marked capacity (6½ gallons maximum capacity).

(B) In § 178.35-3 paragraph (a), table is amended as follows:

§ 178.35 Specification 2S; polyethylene containers.

* * * * *

§ 178.35-3 Construction, capacity and marking.

(a) Container must be constructed in accordance with the following table:

Marked capacity not over (gallons) [1]	Maximum capacity (gallons)	Minimum thickness—side wall and heads (inches) [2]	Minimum weight (pounds)
5	6	0.0625	1.4
13.5	14.5	.0625	3.25
15	16	.0625	3.5
30	32	.0625	5.5
55	58	.0625	9

* * * * *

(C) In § 178.35a–2 paragraph (a), table is amended as follows:

§ 178.35a Specification 2SL; molded or thermoformed polyethylene container.

* * * * *

§ 178.35a–2 Construction, capacity and marking.

(a) Container must be constructed in accordance with the following table:

Marked capacity not over (gallons) [1]	Maximum capacity (gallons)	Minimum thickness—side wall and heads (gallons) [2]	Minimum weight (pounds)
13.5	14.5	0.030	2
15	16	.030	2.25
30	32	.030	3.25
55	58	.040	5

* * * * *

This amendment is effective March 10, 1971. However, compliance with the regulations, as amended herein, is authorized immediately.

(Secs. 831–835, title 18, U.S.C.; sec. 9, Department of Transportation Act, 49 U.S.C. 1657; Title VI and sec. 902(h), Federal Aviation Act of 1958, 49 U.S.C. 1421–1430 and 1472(h))

Issued in Washington, D.C., on December 1, 1970.

C. R. BENDER,
Admiral, U.S. Coast Guard, Commandant.

CARL V. LYON,
Acting Administrator, Federal Railroad Administration.

KENNETH L. PIERSON,
Acting Director, Bureau of Motor Carrier Safety, Federal Highway Administration.

SAM SCHNEIDER,
Board Member, for the Federal Aviation Administration.

[F.R. Doc. 70–16376; Filed, Dec. 4, 1970; 8:49 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Missisquoi National Wildlife Refuge, Vt.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 28.28 Special regulations; public access, use, and recreation; for individual wildlife refuge areas.

VERMONT

MISSISQUOI NATIONAL WILDLIFE REFUGE

Travel by motor vehicle or on foot is permitted on designated travel routes for the purpose of nature study, photography, hiking, and sightseeing, during daylight hours. Pets are permitted on a leash not over 10 feet in length. Picknicking is permitted in designated areas where facilities are provided. Launching of boats and parking of boat trailers are permitted in designated areas. Fishing and hunting may be permitted under special regulations.

The refuge area, comprising 4,680 acres, is delineated on maps available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office and Courthouse, Boston, Mass. 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1971.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

NOVEMBER 30, 1970.

[F.R. Doc. 70–16353; Filed, Dec. 4, 1970; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Oil Import Administration

[32A CFR Ch. X]

[Oil Import Reg. 1 (Rev. 5)]

CANADIAN IMPORTS; DISTRICTS I–IV

Notice of Proposed Rule Making

In the FEDERAL REGISTER for Saturday, November 28, 1970 (35 F.R. 18208), there is set forth a proposal to establish an allocation system for imports of Canadian crude oil and unfinished oils for the allocation period January 1, 1971, through December 31, 1971. The proposal is in the form of a section of Oil Import Regulation 1 (Revision 5). Because of the shortfall of overseas imports and to permit a supplementation of domestic production by Canadian imports for which pipeline capacity and demand exists, it is proposed to add to the proposal published on November 28, 1970, a paragraph (m), reading as follows:

Sec. _____ Canadian imports—Districts I–IV.

* * * * *

(m) If a person receives an allocation of Canadian imports under this section and if he also holds an allocation of imports under sections 9, 10, or 25 for the period January 1, 1971, through December 31, 1971, he may obtain from the Administrator a license which will permit him to import Canadian imports in a quantity not exceeding two-thirds of the amount of the allocation under sections 9, 10, or 25. Such licenses shall be charged against the allocation made under sections 9, 10, or 25.

Interested persons are invited to submit written comments upon the proposed addition of paragraph (m) to the Administrator, Oil Import Administration, Department of the Interior, Washington, D.C. 20240. In view of the short time remaining before the beginning of the 1971 allocation period, it is impracticable to give 30 days notice of proposed rule making concerning this proposed amendment. Accordingly, the above described comments should be submitted by December 28, 1970. Each person who submits comments is asked to provide fifteen (15) copies. Final action with respect to the proposal will be subject to concurrence by the Director of the Office of Emergency Preparedness.

DELL V. PERRY,
Acting Administrator,
Oil Import Administration.

DECEMBER 2, 1970.

[F.R. Doc. 70-16455; Filed, Dec. 4, 1970; 4:45 p.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 15]

TEXTURED PROTEIN PRODUCTS

Proposed Standard of Identity

Notice is given that a petition has been filed jointly by Archer Daniels Midland Co., Post Office Box 1470, Decatur, Ill. 62525, and General Mills, Inc., 9200 Wayzata Boulevard, Minneapolis, Minn. 55440, proposing the establishment of a definition and standard of identity for a class of foods to be known as "textured protein products," prepared from vegetable protein and other ingredients. If such identity standard is established, the Commissioner of Food and Drugs proposes that it be added to Part 15—Cereal Flours and Related Products under a new Subpart D—Textured Protein Products.

In the FEDERAL REGISTER of October 13, 1967 (32 F.R. 14237), a notice of proposed rule making was published based on a petition for "bontrae" filed by General Mills, Inc., and a petition for "textured vegetable protein" filed by Archer Daniels Midland Co., both for vegetable protein type products. Notice was given July 10, 1969 (34 F.R. 11423), that those petitions were withdrawn and the rule making proceeding terminated, and that the withdrawals were without prejudice to future filings.

Grounds in support of the petitioners' proposal are:

1. The White House Conference on Food, Nutrition, and Health (December 1969) has recommended the development of new foods, especially vegetable-based sources of protein.

2. The joint statement "Improvement of Nutritive Quality of Foods" (September 1968) of the Council on Foods and Nutrition of the American Medical Association and the Food and Nutrition Board of the National Academy of Sciences-National Research Council held that a new fabricated food should contain "on a caloric basis at least the variety and the amounts of the important nutrients contained in the food which it replaces."

3. The basic vegetable protein sources provided for in textured protein products are generally recognized as safe; however, one, cottonseed protein, is a regulated food additive (21 CFR 121.1019).

4. The petition initially proposed "tegretein products" as the class name for the subject foods. Additional research by the petitioners, however, resulted in their concluding such name would be meaningless to consumers without a considerable explanation. The petitioners changed their petition to apply the name "textured protein products."

5. The petition also initially proposed a standard of quality (as well as a standard of identity) to assure that the foods either contain the required nutrients or that the labels declare any deficiencies. The petitioners deleted the standard of quality and incorporated the nutritional criteria in the standard of identity for the following reasons:

a. The nutritional elements are an identifying and characterizing feature of these foods.

b. Mandatory nutritional minima are more in the interest of consumers than the use of label statements of deficiencies.

c. Such mandatory approach would assure the quality of these products, and a single undeviating measurement would simplify enforcement.

d. The nutritional requirements could be avoided only by the most improbable route of marketing an "imitation textured protein product."

6. The minimum amount of protein and the amounts of vitamins and minerals required in textured protein products are based upon representative protein foods listed in Handbook No. 8, "Composition of Foods," U.S. Department of Agriculture.

7. The lower the biological value of the total protein in textured protein products is (though it may not be lower than 70 percent of casein), the larger the proportion of protein required. Thus the consumer would be assured of adequate amounts of protein of a satisfactory quality in these foods.

As proposed, textured protein products may be in forms that can be substituted for other foods. Attention is called to the fact that textured protein products may have the same appearance, taste, and texture as the food they simulate.

The petitioners propose the following standard:

§ 15._____ Textured protein products; identity; label statement of optional ingredients.

(a) (1) Textured protein products are the class of food each of which constitutes formed units made from one or more of the following properly processed, edible protein sources: Cottonseed (the gossypol and arsenic content of which are as prescribed for defatted, cooked cottonseed flour by § 121.1019 of this chapter), peanuts, sesame seed, soybeans, sunflower seed, and wheat; with or without one or more of the optional ingredients specified in paragraph (b) of this section, which when prepared for consumption individually or as a formed ingredient in other foods is characterized

by having a structural integrity and identifiable texture so that each formed unit will withstand hydration, cooking, retorting, and other procedures used in preparing the food for consumption.

(2) Each such food shall provide an amount and biological quality of protein, in the quantity of such food in finished form which supplies 100 calories, such that the protein efficiency ratio (PER) of protein expressed as a fraction of the PER of casein multiplied by the amount of protein in grams is not less than 6.0, provided the total protein (including added amino acids and hydrochloride salts thereof) has a biological quality of not less than 70 percent of that of casein. The amount of biological quality of protein shall be determined by the methods specified by subparagraph (6) of this paragraph.

(3) If such food in finished form is intended or is represented as a significant protein source food, and is represented or suitable for use so that a serving of the food as customarily or usually prepared for consumption provides 100 or more calories, the food shall also contain in the quantity which supplies 100 calories: 1.25 milligrams of iron, 0.10 milligram of thiamin, 0.10 milligram of riboflavin, 2.0 milligrams of niacin, 0.10 milligram of vitamin B_6, and 1 microgram of vitamin B_{12}.

(4) If such food in finished form is subject to subparagraph (3) of this paragraph, and the protein source food simulated is any form of cheese, the food shall also contain in the quantity which supplies 100 calories: 200 milligrams of calcium, 150 milligrams of phosphorous, and 330 international units of vitamin A.

(5) The requirements of subparagraphs (3) and (4) of this paragraph will be deemed to have been met if reasonable overages of the required vitamins, within limits of good manufacturing practice, are present to insure that the required levels of the vitamins are maintained throughout the expected shelf life of the food under customary conditions of distribution. The vitamins may be added in a harmless carrier, such carrier being used only in the quantity reasonably necessary to effect an intimate and uniform admixture of such substances with the other ingredients of the food.

(6) For purposes of this section, protein is 6.25 times the nitrogen as determined by the method described in "Official Methods of Analysis of the Association of Official Agricultural Chemists," 10th edition (1965), page 16, section 2.044, headed "Improved Kjeldahl Methods for Nitrate-Free Samples." The biological value of the protein in the finished food shall be determined by the method described in said edition, pages 785–6, sections 39.133–39.137, headed "Biological Evaluation of Protein Quality."

(b) (1) The optional ingredients referred to in paragraph (a) (1) of this section are safe and suitable substances including, but not limited to, other edible protein and amino acids (including the hydrochloride salts thereof), thiamin, riboflavin, niacin, vitamin A, vitamin B_6, vitamin B_{12}, calcium, phosphorus, iron, edible fats and oils, emulsifiers, stabilizers, spices, seasonings, binders, and natural and artificial flavors and colors.

(2) An ingredient will be deemed suitable if the amount used is not in excess of that required to achieve its intended technical or other effect, including conformity to the nutrient levels specified in paragraph (a) of this section, and will be deemed safe if it either is not a food additive within the meaning of section 201(s) of the Federal Food, Drug, and Cosmetic Act, or if it is a food additive or color additive within the meaning of section 201 (s) or (t) of the act, it is used only in conformity with a regulation promulgated under section 409 or 706 of the act. Amino acids and hydrochloride salts thereof are regarded as suitable only if they are added in amounts not in excess of those which serve to increase the biological quality of the total protein present as determined by the methods specified in paragraph (a) (6) of this section.

(3) Any edible protein, amino acid (including hydrochloride salts thereof), vitamins, or minerals used to measure the nutrient levels specified in paragraph (a) of this section shall be present in biologically active form.

(c) The name of each food for which a definition and standard of identity is prescribed by this section is "textured protein _____," the blank to be filled in with the word that accurately describes the physical form of the food and that is not misleading; such as, fibers, shreds, chunks, bits, and slices.

(d) (1) Each such food shall bear a statement that it is flavored, seasoned, or unflavored. If the food is flavored like another food, the statement "flavored like _____," "with a flavor like _____," "_____-like flavor," "with _____-like flavor," or "with a _____-like flavor," the blank being filled in with the appropriate flavor reference, shall be part of the name provided for in paragraph (c) of this section. If no artificial flavor is used, and the name of the flavoring substance used is the same as the flavor reference, the word "like" may be omitted for the prescribed statement; for example, "vanilla flavor" where vanilla is the flavoring substance. If the food is unflavored or seasoned, the statement "unflavored" or "seasoned" or "seasoned with _____," the blank being filled in with the name of the seasoning, shall immediately precede or follow the name provided for in paragraph (c) of this section. In lieu of the foregoing, the word "smoked" may be used if the food has been smoked, or "smoke flavored" if smoke flavor has been added. If such flavoring is artificial, the word "artificially" shall precede the word "smoke." All of the words and statements required by this paragraph shall be in letters of uniform size which shall not be larger or more prominent than those of the other words in the name of the food or be less than one-half the size of the largest letter in the name "textured protein _____."

(2) The common or usual names of all ingredients (except that spices, flavorings, and colorings may be designated as spices, flavorings, and colorings) shall be listed on the label in descending order of predominance by weight. The common name or names of the optional protein ingredient or ingredients shall include the plant source; for example, "soy protein." If a chemical preservative is used, the words "a preservative" shall follow its name. If a flavoring or coloring used is artificial, the word "artificial" shall precede such word. The words and statements specified in this paragraph showing the ingredients present shall be listed on the principal display panel or panels or any appropriate information panel without obscuring design, vignettes, or crowding. The declaration shall appear in conspicuous and easily legible letters of boldface print or type the size of which shall be not less than one-half of that required by Part 1 of this chapter for the statement of net quantity of contents appearing on the label, but in no case less than one-sixteenth of an inch in height. The entire ingredient statement shall appear on at least one panel of the label and in lines generally parallel to the base on which the container rests as it is designed to be displayed.

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), interested persons are invited to submit their views in writing (preferably in quintuplicate) regarding this proposal within 60 days after its date of publication in the FEDERAL REGISTER. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–62, 5600 Fishers Lane, Rockville, Md. 20852, and may be accompanied by a memorandum or brief in support thereof.

Dated: November 24, 1970.

CHARLES C. EDWARDS,
Commissioner of Foods and Drugs.

[F.R. Doc. 70-16237; Filed, Dec. 4, 1970; 8:45 a.m.]

[21 CFR Part 120]

DDT

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities

A proposal to reduce tolerances for residues of the insecticide DDT in or on certain raw agricultural commodities and to increase the tolerance for endive (escarole) to the level for the other leafy vegetables was published in the FEDERAL REGISTER August 14, 1970 (35 F.R. 12951). Since that date the U.S. Department of Agriculture has canceled the registration of certain DDT products.

Also, a proposal was published in the FEDERAL REGISTER August 25, 1970 (35 F.R. 13525), to establish a tolerance of 7 parts per million for residues of the insecticide methoxychlor in or on sweetpotatoes and yams from preharvest and postharvest use as a replacement for postharvest application of DDT to sweetpotatoes. The Commissioner of Food and Drugs has concluded that the previous notice of proposal for DDT August 14, 1970, should be replaced by the proposal set forth below.

The Commissioner has reviewed the petitions filed by Environmental Defense Fund, Inc., et al. (PP 0E0894), and William H. Rogers, Jr. (PP 0E0893), proposing that §§ 120.147a, 120.147b, and 120.147c be repealed and § 120.147 be revised to establish a tolerance of zero for residues of DDT in or on raw agricultural commodities. The Commissioner agrees with the following statements in the December 1969 "Report of the Secretary's Commission on Pesticides and Their Relationship to Environmental Health"—the commission appointed by the Secretary of Health, Education, and Welfare:

> Indeed our knowledge of the biological effects of DDT, inadequate though it still is for wholly reliable judgment of safety, far outstrips that of any other insecticide of this type. The evidence for carcinogenicity of DDT in experimental animals is impressive and the Panel takes no exception to the conclusions as to DDT recorded in the JNCI report of the National Cancer Institute. This study has demonstrated that DDT increased the evidence of cancer in mice under the experimental conditions employed. However, this does not prove carcinogenicity for human beings at the very much lower levels to which they are actually exposed. * * * Evaluation of human experience with DDT has revealed little if any evidence of long-term adverse health effects from its use * * * Accordingly, with the evidence now in, DDT can be regarded neither as a proven danger as a carcinogen for man nor as an assuredly safe pesticide; suspicion has been aroused and it should be confirmed or dispelled.

The Commissioner is acting upon the following recommendation: "Eliminate within 2 years all uses of DDT and DDD in the United States excepting the uses essential to the preservation of human health or welfare and approved unanimously by the Secretaries of the Departments of Health, Education, and Welfare, Agriculture, and Interior." In an accompanying statement to this recommendation, the Commission noted "Unavoidable residues of these persistent pesticides will continue to occur in the soil, water, air, and food supplies for a period of years despite restriction of usage in the United States. Reasonable methods must be established for the use of as much of the food supply as possible without hazard to human health."

The Commissioner concludes that it is not practical to enforce regulations establishing zero tolerances for DDT and its degradation products in food; that the best available data show that the dietary intake of DDT and its metabolites, TDE and DDE, in the United States is substantially below the acceptable daily intake of 0.005 milligrams per kilogram of body weight established in 1969 by the World Health Organization Expert Committee on Pesticide Residues; that tolerances for DDT should include each or any combination of DDT, TDE, and DDE; that the tolerances herein proposed as a step toward the elimination of DDT except for essential uses will protect the public health and assure safety; and that further restrictions in uses and reductions in tolerances should be carried out as soon as feasible.

Consideration has been given to previous proposals, canceled registrations, the petitions mentioned above, and other relevant material. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)) and under the authority delegated to the Commissioner (21 CFR 2.120), it is proposed that Part 120 be amended:

1. By revising § 120.147 to read as follows:

§ 120.147 DDT; tolerances for residues.

Tolerances are established for residues in or on raw agricultural commodities listed below for each or any combination of the insecticide DDT (a mixture of 1,1,1 - trichloro-2,2-bis(*p*-chlorophenyl) ethane and 1,1,1-trichloro-2-(*o*-chlorophenyl)-2-(*p*-chlorophenyl) ethane) and its degradation products TDE [or DDD (1,1-dichloro - 2,2-bis(*p* - chlorophenyl) - ethane)] and DDE (1,1-dichloro-2,2-bis (*p*-chlorophenyl) ethylene), except where a higher tolerance is established for residues of TDE (DDD) in § 120.187 (such higher tolerance shall apply to the TDE (DDD) residue):

50 parts per million in or on peppermint hay and spearmint hay, which are not to be used for feeding livestock.

20 parts per million in or on fresh hops. Any byproducts or refuse from such hops are not to be used for feeding livestock.

7 parts per million in or on beans (except dried beans), cranberries, grapes, lettuce, peppers, pineapples, and tomatoes.

5 parts per million in fat of meat from cattle, goats, hogs, horses, and sheep.

4 parts per million in or on cottonseed.

3.5 parts per million in or on avocados, carrots, citrus fruits, the fresh vegetable sweet corn (determined on kernels plus cob after removing any husk present when marketed), and papayas.

3.5 parts per million combined residues of DDT and toxaphene in or on soybeans (dry form), of which residues DDT shall not exceed 1.5 parts per million and toxaphene shall not exceed 2 parts per million.

1.5 parts per million in or on soybeans (dry form).

1 part per million in or on artichokes, asparagus, beets (roots and tops), broccoli, brussels sprouts, cabbage, cauliflower, celery, collards, endive (escarole), kale, kohlrabi, mushrooms, mustard greens, okra, onions (dry bulbs only), parsnips (roots and tops), potatoes (determined after washing off any soil present when marketed), radishes (roots and tops), rutabagas (roots and tops), spinach, sweetpotatoes, Swiss chard, and turnips (roots and tops).

0.5 part per million in or on apples, apricots, beans (dried), blackberries, blueberries (huckleberries), boysenberries, cherries, cucumbers, currants, dewberries, eggplants, gooseberries, guavas, loganberries, mangoes, melons, nectarines, peaches, peanuts, pears, peas, plums (fresh prunes), pumpkins, quinces, raspberries, squash, strawberries, summer squash, and youngberries.

The aforementioned 1 and 0.5 part per million tolerances provide primarily for residues of DDT and its degradation products resulting from their presence in the soil or the atmosphere.

§ 120.147a [Amended]

2. In § 120.147a. *DDT residues in corn forage, corn fodder, corn silage, corn stover, and sweet corn cannery waste; statement of policy and interpretation,* the first sentence of paragraph (b), by changing the tolerance "7 parts per million" to "5 parts per million."

3. By revising § 120.147b to read as follows:

§ 120.147b DDT residues in apple pomace.

(a) Investigations by the Food and Drug Administration show that apple pomace containing substantial amounts of DDT has been used as feed for dairy and meat animals. Section 409 of the act would render illegal any apple pomace for animal feeding that contains DDT in excess of the 0.5 part per million fixed for apples by § 120.147. It has been established that the feeding of apple pomace containing DDT will contribute residues of DDT to the fat of meat animals and to milk of dairy animals.

(b) There is no tolerance for DDT in milk to provide for residues that may occur from feeding apple pomace which contains DDT to dairy animals. Apple pomace containing DDT should not be fed to dairy animals, since it has been established that the ingestion by them of even small amounts of DDT results in contamination of the milk with this pesticide. Apple pomace containing any amount of DDT is unsuitable as a feed or an ingredient of mixed feeds for dairy animals and should not be represented, sold, or used for that purpose.

(c) There is an established legal tolerance of 5 parts per million for residues of DDT in or on the fat of meat from cattle, goats, sheep, horses, and hogs (§ 120.147). Animals that consume DDT in feed may accumulate considerably more of the chemical in their fat than is present in the feed itself, and a long time may be required on a diet free of DDT to reduce excessive residues to the tolerance level. It has not been established under what conditions of feeding, if any, apple pomace containing less than 0.5 part per million of DDT can be fed to animals without causing the meat from such animals to contain residues in excess of the tolerance. Therefore, unless a grower of meat animals is in a

position to establish that the DDT residue in the apple pomace and the conditions of feeding are such that the meat from such animals will be within the established tolerance, apple pomace should not be used in the feeding of meat animals.

Further reductions in tolerances for residues of DDT are anticipated as additional registered uses are canceled to limit DDT to those uses essential to the preservation of human health or welfare and as reduction of the quantities of DDT and its degradation products in the environment warrants.

The above reductions in tolerances will be effective January 1, 1972.

Any person who has registered or submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing the subject pesticide chemicals may request, within 30 days after the date of publication of this notice in the FEDERAL REGISTER, that this proposal be referred to an advisory committee in accordance with section 408(e) of the act.

Interested persons may, within 30 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: December 1, 1970.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[F.R. Doc. 70-16366; Filed, Dec. 4, 1970; 8:48 a.m.]

NATIONAL CREDIT UNION ADMINISTRATION

[12 CFR Part 740]

ADVERTISEMENT OF INSURED STATUS

Notice of Proposed Rule Making

Notice is hereby given that the Administrator of the National Credit Union Administration, pursuant to the authority conferred by section 205-A of Public Law 91-468 (84 Stat. 295), is considering the addition of a new Part 740, entitled "Advertisement of Insured Status" to Title 12 of the Code of Federal Regulations.

The proposed new Part 740 would establish the mandatory requirements with regard to official sign and its display, the requirements with regard to the official advertisement statement and manner of use, and minimum standards pertaining to accurate use.

This notice is published pursuant to section 553 of title 5 of the United States Code.

To aid in the consideration of the matter by the Administrator, interested persons are invited to submit relevant data, views, or arguments.

Any such material should be submitted in writing to the Administrator, National Credit Union Administration, 1325 K Street NW., Washington, DC 20456, to be received not later than 30 days from publication of this notice in the FEDERAL REGISTER.

The proposed new Part 740 would read as follows:

PART 740—ADVERTISEMENT OF INSURED STATUS

Sec.
740.0 Scope.
740.1 Definition.
740.2 Advertising must be accurate.
740.3 Mandatory requirements with regard to the official sign and its display.
740.4 Mandatory requirements with regard to the official advertising statement and manner of use.

AUTHORITY: The provisions of this Part 740 issued under sec. 205, 84 Stat. 1002; Public Law 91-468.

§ 740.0 Scope.

The regulation contained in this part prescribes the requirements with regard to the official sign insured credit unions must display and the requirements with regard to the official advertising statement insured credit unions must include in their advertisements. It also prescribes an approved short title which insured credit unions may use at their option. It imposes no limitations on other proper advertising of insurance of shares or deposits by insured credit unions.

§ 740.1 Definition.

Deposits as used herein include the purchase of shares, share certificates or share accounts of a member or individual of a credit union of a type approved by the Administrator which evidences money or its equivalent received or held by a credit union in the usual course of business and for which it has given or is obligated to give credit to the account of the member or individual.

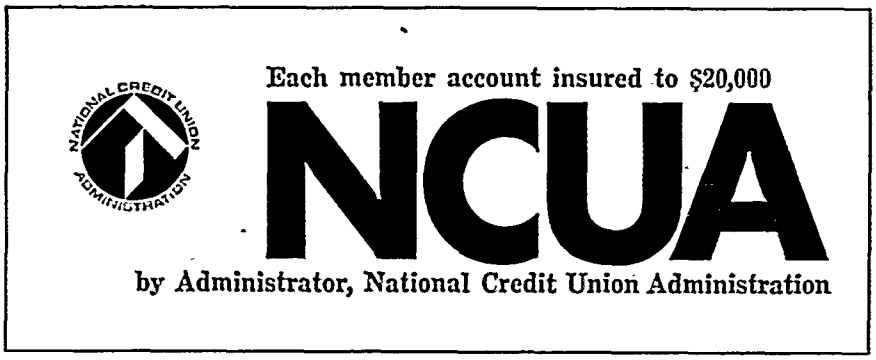
§ 740.2 Advertising must be accurate.

No insured credit union shall use advertising (whether printed, radio, display, or of any other nature) or make any representation which is inaccurate in any particular or which in any way misrepresents its services, contracts, investments, or financial condition. When an insured credit union is operating a branch office or offices outside of the municipality in which its principal office is located, all advertising of, or by, any such branch office, shall state clearly the location of the principal office of such insured institution.

§ 740.3 Mandatory requirements with regard to the official sign and its display.

(a) *Insured credit unions to display official sign.* Each insured credit union shall continuously display an official sign as hereinafter prescribed at each station or window where insured shares or deposits are usually and normally received in its principal place of business and in all its branches: *Provided,* That no credit union becoming an insured credit union shall be required to display such official sign until thirty (30) days after its first day of operation as an insured credit union. The official sign may be displayed by any insured credit union prior to the date display is required. Additional signs in other sizes, colors, or materials, incorporating the basic design of the official sign, may be displayed in other locations within an insured credit union.

(b) *Official sign.* The official sign referred to in paragraph (a) of this section shall be of the following design:



(1) All insured credit unions will automatically be furnished an initial supply of official signs, at no cost, from the National Credit Union Administration for compliance with paragraph (a) of this section. If the initial supply is not adequate for compliance with paragraph (a) of this section, an immediate request for additional signs must be made. Any credit union that does not have an adequate supply but requests additional signs from the Administrator, shall not be deemed to have violated this regulation on account of not displaying an official sign, or signs, unless the credit union shall omit to display such official sign or signs after receipt thereof.

(2) Official signs reflecting variations in color and materials and additional signs reflecting variations in size, color and materials for use other than as prescribed in paragraph (a) of this section

may be procured by insured credit unions from commercial suppliers.

(c) *Receipt of deposits at same teller's station or window as noninsured credit union or institution.* An insured credit union is forbidden to receive deposits at any teller's station or window where any noninsured credit union or institution receives deposits or similiar liabilities.

(d) *Required changes in official sign.* The Administrator may require any insured credit union, upon at least 30 days' written notice, to change the wording of its official signs in a manner deemed necesary for the protection of share holders or others.

§ 740.4 Mandatory requirements with regard to the official advertising statement and manner of use.

(a) *Insured credit unions to include official advertising statement in all advertisements except as provided in paragraph (c) of this section.* Each insured credit union shall include the official advertising statement, prescribed in paragraph (b) of this section, in all of its advertisements except as provided in paragraph (c) of this section.

(1) An insured credit union is not required to include the official advertising statement in its advertisements until thirty (30) days after its first day of operation as an insured credit union.

(2) (i) In cases where the Administrator of the National Credit Union Administration shall find the application to be meritorious, that there has been no neglect or willful violation in the observance of this section and that undue hardship will result by reason of its requirements, the Administrator may grant a temporary exemption from its provision to a particular credit union upon its written application setting forth the facts.

(ii) Any application made by an insured credit union under this section should be filed with the Regional Director who will forward it with his recommendation to the Administrator. Such application should (*a*) be in writing, (*b*) be signed by the president or other managing officer of the board of directors of the credit union, and (*c*) state the reason for the request and why it should be granted.

(3) In cases where advertising copy not including the official advertising statement is on hand on the date the requirements of this section become operative, the insured credit union may cause the official advertising statement to be included by use of an overstamp or by other means for a period of 6 months or until the supplies are expected whichever occurs first.

(b) *Official advertising statement.* The official advertising statement shall be in substance as follows: "This credit union is insured by the Administrator of the National Credit Union Administration." The word "the" and/or the words "of the" may be omitted. The words "This credit union is" or the name of the insured credit union followed by the words "is a" may be added before the word "insured." The short title "Insured by Administrator NCUA" and a reproduction of the official seal, may be used by insured credit unions at their option as the official advertising statement. The official advertising statement shall be of such size and print to be clearly legible.

(c) *Types of advertisements which do not require the official advertising statement.* The following is an enumeration of the types of advertisements which need not include the official advertising statement:

(1) Statements of condition and reports of condition of an insured credit union which are required to be published by State or Federal law or regulation;

(2) Credit union supplies such as stationery (except when used for circular letters), envelopes, deposit slips, checks, drafts, signature cards, deposit passbooks, and noninsurable certificates, etc.;

(3) Signs or plates in the credit union office or attached to the building or buildings in which the offices are located;

(4) Listings in directories;

(5) Advertisements not setting forth the name of the insured credit union;

(6) Display advertisements in credit union directory, provided the name of the credit union is listed on any page in the directory with a symbol or other descriptive matter indicating it is insured;

(7) Joint or group advertisements of credit union services where the names or insured credit unions and noninsured credit unions are listed and form a part of such advertisements;

(8) Advertisements by radio which do not exceed fifteen (15) seconds in time;

(9) Advertisements by television, other than display advertisements, which do not exceed fifteen (15) seconds in time;

(10) Advertisements which are of the type of character making it impractical to include thereon the official advertising statement including but not limited to, promotional items such as calendars, matchbooks, pens, pencils, and key chains;

(11) Advertisements which contain a statement to the effect that the credit union is insured by the Administrator, or that its deposits and shares or depositors are insured by the Administrator, NCUA to the maximum of $20,000 for each depositor or shareholder;

(12) Advertisements relating specifically and only to the making of loans by the credit union or loan services;

(13) Advertisements relating specifically and only to safekeeping box business or services;

(14) Advertisements relating specifically and only to traveler's checks on which the credit union issuing or causing to be issued the advertisement is not primarily liable;

(15) Advertisements relating specifically and only to loan life insurance.

(d) *Outstanding billboard advertisements.* Where an insured credit union has billboard advertisements outstanding which are required to include the official advertising statement and has direct control of such advertisements either by possession or under the terms of a contract, it shall, as soon as it can consistent with its contractual obligations, cause the official advertising statement to be included therein.

(e) *Official advertising statement in non-English language.* The non-English equivalent of the official advertising statement may be used in any advertisement: *Provided,* That the translation had had the prior written approval of the Administrator.

H. NICKERSON, Jr.,
Administrator.

[F.R. Doc. 70-16310; Filed, Dec. 4, 1970; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Hazardous Materials Regulations Board

[49 CFR Part 173]

[Docket No. HM-67; Notice 70-23]

TRANSPORTATION OF HAZARDOUS MATERIALS

Flash Points of Flammable Liquids

The Hazardous Materials Regulations Board is considering amending §§ 173.115 and 173.119 of the Department's Hazardous Materials Regulations to specify use of the Tagliabue (Tag) closed-cup tester (ASTM D 56-70) to determine flash points of flammable liquids, instead of the Tagliabue (Tag) open-cup tester (ASTM D 1310-67), presently specified.

The flash point is generally accepted as a useful means to determine the flammability of flammable liquids, and therefore their potential fire hazard during transportation. The Tagliabue open-cup testing method, which has been in use with only minor modification for many years, lacks the precision, reliability, and reproducibility necessary to properly estimate the flammability hazard that may be encountered during transportation.

This notice is not intended to change the present established classification ranges or packaging of flammable liquids. Its purpose is to propose adoption of a more accurate method for determining flash points than the Tag open cup presently affords.

As part of the Department's overall review of the Hazardous Materials Regulations, the Board and the staff of the Office of Hazardous Materials (OHM) have been evaluating methods used for classification of materials according to the hazard presented during transportation. OHM contracted with the Safety Research Center, U.S. Bureau of Mines, to examine the limitations of the available flash point testers and to recommend the best method for adoption by DOT.

In reaching their conclusions, the Bureau of Mines measured the present state of the art against the following criteria:

1. Repeatability (data obtained by the same analyst in several determinations, using the same equipment and the same sample).

2. Reproducibility (data obtained by several analysts, each using a different piece of equipment of the same type, and using the same sample).

3. Reliability in assessing the fire or explosion hazard.

In addition, the Bureau of Mines considered and evaluated all comments received in response to that part of a prior notice of proposed rule making (NPRM)[1] dealing with definitions of flammable liquid, flashpoint, open-cup tester, and closed-cup tester. The results and recommendations of the Bureau's study have been reported.[2]

The Bureau's report recommends that the Tag closed-cup method be used to determine flashpoints of flammable liquids for purposes of the DOT Hazardous Materials Regulations. The conclusions, proposing adoption of the closed-cup method, may be summarized as follows:

1. The closed-cup method is more precise and reliable than the open-cup method, gives more reproducible data, and provides a more conservative estimate of the hazard presented by the formation of flammable vapor-air mixtures under either confined or unconfined conditions.

2. "It is often proposed that an open-cup more nearly approximates the geometry of a spill situation than does a closed-cup. In our judgment, this is a trivial consideration in choosing among the variations of existing apparatus. The actual likelihood of ignition of a spill depends heavily upon factors which are beyond the scale of laboratory apparatus, such as the cooling of the liquid surface by evaporation or the gustiness of the atmosphere."[3]

"The greatest explosion hazard results from leakage or spillage into surroundings that provide some confinement, such as a railroad box car, a van-type truck, or the hold of a ship. In this situation, convection currents aid the formation of homogeneous vapor-air mixtures and the magnitude of overpressures in confined combustion is usually greatest with homogeneous mixtures. Here again, the closed-cup gives the best definition of hazard."[4] Experience shows that spills and leaks in confinement are common accident situations and must be considered in the development of safety criteria.

3. Due to its greater reliability, the closed-cup method has been accepted by the National Fire Protection Association, the National Academy of Sciences, the United Nations Intergovernmental Maritime Consultative Organization (IMCO), and many western European industrial countries, including Great Britain, France, West Germany, Sweden, and the Netherlands.

Additional reasons supporting the closed-cup method may be found in a review of various technical publications and comments received on a prior notice of rule making.[5] The following is quoted from the International Chamber of Shipping's statement which was attached to the IMCO October 15, 1969, communication to the sixth session of the Committee of Experts on the Transport of Dangerous Goods:

> The closed-cup method of testing should be used rather than the open-cup method in view of the former's much better precision.[6]

Proponents of the open-cup method point out that improvement in technique in recent years has resulted in increased precision and reproducibility of data. It is agreed that refinement of test methods has brought some improvement. However, in spite of this improvement, the Board believes that the open cup is still not equal to the closed-cup method for overall transportation safety purposes. For example, the report of Technical Subcommittee No. II of the Chicago Society for Paint Technology[7] summarizes the testing done during 1968 with six different types of flashpoint testers and 27 solvents having flash points ranging from 20° F. to 190° F. The report concluded that, "All closed-cups were considerably more reliable and easier to work with than the other cups * * *."

Some comments received on Docket HM-3; Notice No. 68-2 stated that a closed-cup is not responsive to mixtures that contain low-volatility nonflammable components; it is, on the other hand, far too stringent for mixtures containing very small (less than 0.2 percent) amounts of highly volatile flammable compounds. During the test of a mixture, the closed-cup can concentrate nonflammable vapors as readily as flammable vapors. These nonflammable vapors can have a suppressant effect upon the flammability of the sample, thereby raising the flash point beyond the limit prescribed in the regulations for flammable liquids. In an open-cup, part or all of the vapors can escape, thus reducing this suppressant effect. On the other hand, comments noted that a non-flammable anti-knock compound containing less than 0.2 percent of dissolved hydrocarbon, because of trapping of the hydrocarbon traces in the vapor space of the apparatus, had a closed-cup flash point of 58°–73° F., compared to an open-cup flash point of 180°–245° F.

The board realizes that none of the presently available test methods accurately applies to all mixtures. To cover the unusual behavior of certain mixtures, the Board can issue the necessary rulings. For example, the Board could classify such mixtures according to the flash point of their major component. There may be alternative means to cover certain mixtures which do not lend themselves to the proposed testing procedure, and the Board welcomes any suggestions in this regard. The decision as to proper classification of exceptions could be based upon other data or experience showing that the liquid is more or less hazardous than the flash point data indicate. The exceptions should not govern the general rule, however, and the Board is concerned with covering the great majority of substances by a single test method.

In defining flammable liquid,[8] the United Nations Organization recognizes both the open- and closed-cup methods. It is the Board's understanding that the U.N. included the open-cup method principally to accommodate the United States' regulations.

The United Nations Committee of Experts on the Transport of Dangerous Goods, in arriving at the value of 73° F. for the closed-cup as being equivalent to 80° F. in the open-cup test, considered all available information on the subject. The Paint Technology Report shows an average difference of 7° F. between the Tag open- and closed-cup methods.[9] A review of the pertinent literature confirms this relationship. Therefore, the Board intends to substitute 73° F. for 80° F. in the Hazardous Materials Regulations as the upper limit for flash points of regulated flammable liquids in implementing the change from the open-cup to the closed-cup method. The Board does realize that for a few materials the difference between methods may be much more. It is important to emphasize that this change is in no way an attempt to change the classification of the existing flammable liquids. It is recognized, however, that there may be some isolated cases where the classification would change based upon closed-cup test results. The Board would appreciate receiving advice on how to deal with such situations so as to minimize the hardship on industry.

Upon adoption of this proposal, all references in the Department's Hazardous Materials Regulations will be changed from open-cup to closed-cup.

The Board intends to retain the lower flash point limit of 20° F., as prescribed

---

[1] Docket No. HM-3; Notice No. 68-2 (33 F.R. 3382, Feb. 27, 1968).

[2] Kuchta, Joseph M. and Burgess, David, Report No. S 4131, Apr. 29, 1970, Safety Research Center, U.S. Bureau of Mines. This document is available from the Clearing House for Federal Scientific and Technical Information, National Bureau of Standards, U.S. Department of Commerce, Springfield, Va. 22151 at a cost of $3 per copy, or Microfiche copy at 65 cents.

[3] Kuchta, Joseph M. and Burgess, David, Report No. S 4131, Apr. 29, 1970, Safety Research Center, U.S. Bureau of Mines, p. 5.

[4] Ibid., p. 6.

[5] Docket No. HM-3; Notice No. 68-2 (33 F.R. 3382, Feb. 27, 1968).

[6] United Nations Economic and Social Council, E/CN.2/CONF.5/R.198.

[7] Probst, K. G., Correlation of Apparatus for Measuring Flash Point of Solvents, J. of Paint Technology, Vol. 40, No. 527, pp. 576–81 (December 1968).

[8] United Nations, Transport of Dangerous Goods (1966), Vol. I, p. 5, ST/ECA/81/Rev. 1, E/CN 2/ Conf. 5/10/Rev. 1.

[9] Probst, K. G., Correlation of Apparatus for Measuring Flash Point of Solvents, J. of Paint Technology, Vol. 40, No. 527, pp. 576–81 (December 1968).

in § 173.119, open-cup for the closed-cup method. The corresponding flash point difference between the open- and closed-cup methods at this temperature range generally would be very slight, and therefore a change in the lower limit is considered unnecessary.

In the event that the new classification, "Combustible liquids," is established pursuant to proposed rule making,[10] the test method proposed herein, conducted at an appropriately reduced heating rate, would be prescribed in place of the open-cup test. The equivalent closed-cup temperatures would be substituted for the adopted "Combustible liquid" open-cup temperatures.

Interested persons are invited to give their views on the amendment proposed herein. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, DC 20590. Communications received on or before March 2, 1971, will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

In consideration of the foregoing, 49 CFR Part 173 would be amended as follows:

(A) In § 173.115 paragraph (a) would be amended; paragraphs (d) and (e) would be added to read as follows:

§ 173.115 Flammable liquids; definitions.

(a) For the purpose of Parts 170–189 of this chapter, "Flammable liquid" means any liquid having a closed-cup flash point at or below 73° F.

* * * * *

(d) "Flash point" of a liquid means the minimum temperature of the liquid at which it gives off vapor sufficient to form an ignitable mixture with the air near the surface of the liquid or within the container used.

(e) "Closed-cup" means the method of determining flash point as specified in the Standard Method of Test for Flash Point by the Tagliabue (Tag) Closed Tester (ASTM D 56 70) (American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA). In determining the flash points of liquids having a viscosity of 4 centipoise or higher (at 100° F.) the prescribed 2° F./minute rate of the Tag test must be reduced to 0.5° F./minute, or the temperature differential between the sample and the bath must be maintained at 5° F. or less.

(B) In § 173.119 the introductory texts of paragraphs (b) and (l) would be amended to read as follows:

§ 173.119 Flammable liquids not specifically provided for.

* * * * *

(b) *Flammable liquids with flash point above 20° F.* Flammable liquids with flash point above 20° F. and having vapor pressure (Reid[1] test) not over 16 pounds per square inch, absolute, at 100° F., other than those for which special requirements are prescribed in this part, must be packaged in packagings of a design and constructed of materials that will not react dangerously with or be decomposed by the chemical packed therein, as follows (see paragraphs (c) through (i) of this section for high-pressure liquids and paragraph (m) of this section for flammable liquids which are also oxidizing materials or corrosive liquids):

* * * * *

(l) *Viscous flammable liquids with flash point above 20° F. and having a vapor pressure which does not exceed 18 pounds per square inch, absolute, at 100° F.* Viscous flammable liquids with flash point above 20° F. and having a vapor pressure which does not exceed 18 pounds per square inch, absolute, at 100° F. must be packaged as follows:

* * * * *

This proposal is made under the authority of sections 831–835 of title 18, United States Code, section 9 of the Department of Transportation Act (49 U.S.C. 1657), and title VI and section 902(h) of the Federal Aviation Act of 1958 (49 U.S.C. 1421–1430 and 1472(h)). U.S.C. 1421–1430 and 1472(h)).

[1] ASTM Test D323.

[10] Docket No. HM–42; Notice No. 70–3 (35 F.R. 3298, Feb. 21, 1970).

Issued in Washington, D.C., on December 1, 1970.

W. F. REA, III,
Rear Admiral, U.S. Coast Guard,
By direction of Commandant,
U.S. Coast Guard.

CARL V. LYON,
Acting Administrator,
Federal Railroad Administration.

ROBERT A. KAYE,
Director, Bureau of Motor Carrier Safety, Federal Highway Administration.

SAM SCHNEIDER,
Board Member, for the Federal Aviation Administration.

[F.R. Doc. 70–16377; Filed, Dec. 4, 1970; 8:49 a.m.]

National Highway Safety Bureau

[49 CFR Part 571]

[Dockets Nos. 1–9, 1–10; Notice 3]

EXTERIOR PROTECTION ON PASSENGER CARS

Proposed Motor Vehicle Safety Standard

NOTE: In F.R. Doc. 70–15704 appearing at page 17999 in the issue for Tuesday, November 24, 1970, Figures 1 and 2 are being reprinted in larger dimensions, as follows:

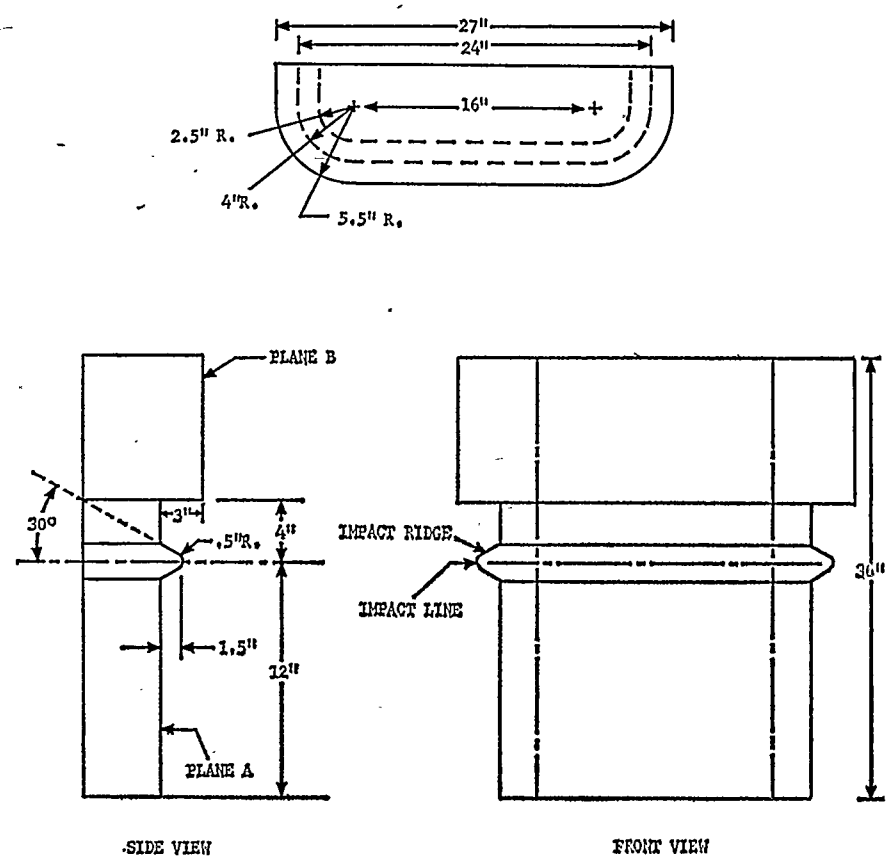


FIGURE 1

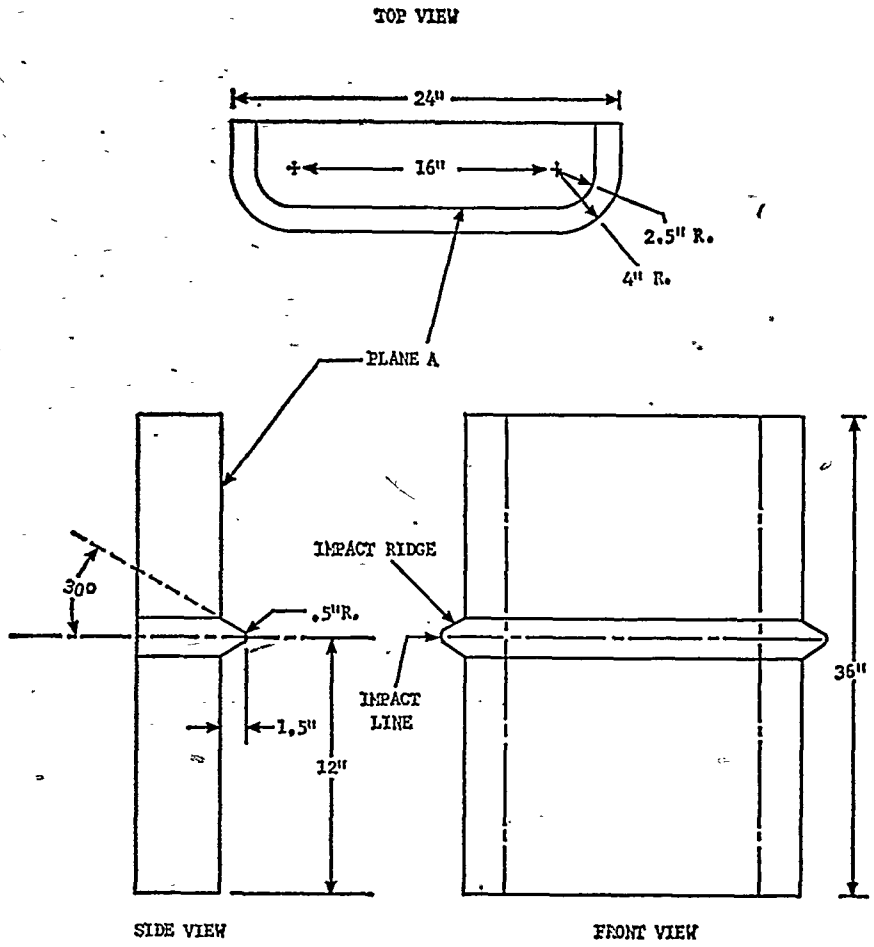


FIGURE 2

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 917]

FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Increase in Expenses for 1970–71 Fiscal Period

Consideration is being given to the following proposal submitted by the Control Committee, established under the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh pears, plums, and peaches grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the provisions thereof:

(a) That the Secretary find that provisions pertaining to the expenses in paragraph (a) of § 917.209 *Expenses and rate of assessment* (35 F.R. 10000) be amended as follows:

§ 917.209 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred during the fiscal period March 1, 1970, through February 28, 1971, will amount to $356,940.

* * * * *

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 15th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: December 2, 1970.

ARTHUR E. BROWNE,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 70-16364; Filed, Dec. 4, 1970; 8:48 a.m.]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Corporate Rates and Related Provisions Pursuant to Revenue Act of 1964 and Imposition and Extensions of Tax Surcharge

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, preferably in quintuplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any written comments or suggestions not specifically designed as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

In order to conform the Income Tax Regulations (26 CFR Part 1) under sections 11, 242(a), 821 (a) and (c), and 826, of the Internal Revenue Code of 1954 to sections 121, 123 (a) and (c), and 201(d) of the Revenue Act of 1964 (78 Stat. 19), and to section 401(b)(2)(B) of the Tax Reform Act of 1969 (83 Stat. 602) and under sections 51 and 963 of the Code to sections 102 and 104(b) of the Revenue and Expenditure Control Act of 1968 (82 Stat. 251), to section 5 of the Act of August 7, 1969 (Public Law

91–53, 82 Stat. 252), and to section 701 of the Tax Reform Act of 1969 (83 Stat. 487), such regulations are amended as follows:

PARAGRAPH 1. Section 1.11 is amended by revising section 11, and the historical note to read as follows:

§ 1.11 Tax on corporations.

SEC. 11. *Tax imposed*—(a) *Corporations in general.* A tax is hereby imposed for each taxable year on the taxable income of every corporation. The tax shall consist of a normal tax computed under subsection (b) and a surtax computed under subsection (c).

(b) *Normal tax.* The normal tax is equal to the following percentage of the taxable income:

(1) 30 percent, in the case of a taxable year beginning before January 1, 1964, and

(2) 22 percent, in the case of a taxable year beginning after December 31, 1963.

(c) *Surtax.* The surtax is equal to the following percentage of the amount by which the taxable income exceeds the surtax exemption for the taxable year:

(1) 22 percent, in the case of a taxable year beginning before January 1, 1964,

(2) 28 percent, in the case of a taxable year beginning after December 31, 1963, and before January 1, 1965, and

(3) 26 percent, in the case of a taxable year beginning after December 31, 1964.

(d) *Surtax exemption.* For purposes of this subtitle, the surtax exemption for any taxable year is $25,000, except that, with respect to a corporation to which section 1561 or 1564 (relating to surtax exemptions in case of certain controlled corporations) applies for the taxable year, the surtax exemption for the taxable year is the amount determined under such section.

(e) *Exceptions.* Subsection (a) shall not apply to a corporation subject to a tax imposed by—

(1) Section 594 (relating to mutual savings banks conducting life insurance business),

(2) Subchapter L (sec. 801 and following, relating to insurance companies),

(3) Subchapter M (sec. 851 and following, relating to regulated investment companies and real estate investment trusts).

(f) *Foreign corporations.* In the case of a foreign corporation, the tax imposed by subsection (a) shall apply only as provided by section 882.

[Sec. 11 as amended by sec. 2, Tax Rate Extension Act 1955 (69 Stat. 114); sec. 2, Tax Rate Extension Act 1956 (70 Stat. 66); sec. 2, Tax Rate Extension Act 1957 (71 Stat. 9); sec. 2, Tax Rate Extension Act 1958 (72 Stat. 259); sec. 2, Tax Rate Extension Act 1959 (73 Stat. 157); sec. 201, Public Debt and Tax Rate Extension Act 1960 (74 Stat. 290); sec. 2, Tax Rate Extension Act 1961 (75 Stat. 193); sec. 2, Tax Rate Extension Act 1962 (76 Stat. 114); sec. 2, Tax Rate Extension Act 1963 (77 Stat. 72); sec. 121, Rev. Act 1964 (78 Stat. 25); sec. 104(b)(2), Foreign Investor's Tax Act 1966 (80 Stat. 1557); sec. 401, Tax Reform Act 1969 (83 Stat. 602)]

PAR. 2. Section 1.11–1 is amended by revising paragraphs (c) and (d) to read as follows:

§ 1.11–1 Tax on corporations.

* * * * *

(c) The normal tax is computed by applying to the taxable income the rate of tax in effect for the taxable year. The rates of tax applicable for the respective taxable years are as follows:

	Percent
For taxable years beginning before January 1, 1964	30
For taxable years beginning after December 31, 1963	22

(d) The surtax is at the rate of: (1) 22 percent in the case of a taxable year beginning before January 1, 1964; (2) 28 percent in the case of a taxable year beginning after December 31, 1963, and before January 1, 1965; and (3) 26 percent in the case of a taxable year beginning after December 31, 1964; and is upon the taxable income (computed without regard to the deduction, if any, provided in section 242 for partially tax-exempt interest) in excess of $25,000. However, in certain circumstances the $25,000 exemption from surtax may be disallowed in whole or in part, or limited in amount. See sections 269, 1551, 1561, and 1564 and the regulations thereunder.

* * * * *

PAR. 3. There are inserted immediately after § 1.48–7 the following new sections:

TAX SURCHARGE

§ 1.51 Statutory provisions; imposition of tax surcharge.

SEC. 51. Tax surcharge—(a) *Imposition of tax*—(1) *Calendar years*—(A) *Individuals (other than estates and trusts).* In addition to the other taxes imposed by this chapter, there is hereby imposed on the income of every individual (other than an estate or trust) whose taxable year is the calendar year a tax as follows:

CALENDAR YEAR 1968

TABLE 1.—SINGLE PERSON (OTHER THAN HEAD OF HOUSEHOLD) AND MARRIED PERSON FILING SEPARATE RETURN

If the adjusted tax is: At least	But less than	The tax is—
0	$148	0
$148	155	$1
155	162	2
162	168	3
168	175	4
175	182	5
182	188	6
188	195	7
195	202	8
202	208	9
208	215	10
215	222	11
222	228	12
228	235	13
235	242	14
242	248	15
248	255	16
255	262	17
262	268	18
268	275	19
$275	$282	$20
282	288	21
288	293	22
293	313	23
313	327	24
327	340	25
340	353	26
353	367	27
367	380	28
380	393	29
393	407	30
407	420	31
420	433	32
433	447	33
447	460	34
460	473	35
473	487	36
487	500	37
500	513	38
$513	$527	$39
527	540	40
540	553	41
553	567	42
567	580	43
580	593	44
593	607	45
607	620	46
620	633	47
633	647	48
647	660	49
660	673	50
673	687	51
687	700	52
700	713	53
713	727	54
727	734	55
734 and over, 7.5% of the adjusted tax.		

TABLE 2.—HEAD OF HOUSEHOLD

If the adjusted tax is: At least	But less than	The tax is—
0	$223	0
$223	230	$1
230	237	2
237	243	3
243	250	4
250	257	5
257	263	6
263	270	7
270	277	8
277	283	9
283	290	10
290	297	11
297	303	12
303	310	13
310	317	14
317	323	15
323	330	16
330	337	17
337	343	18
343	350	19
$350	$357	$20
357	363	21
363	370	22
370	377	23
377	383	24
383	390	25
390	397	26
397	403	27
403	410	28
410	417	29
417	423	30
423	430	31
430	437	32
437	447	33
447	460	34
460	473	35
473	487	36
487	500	37
500	513	38
513	527	39
$527	$540	$40
540	553	41
553	567	42
567	580	43
580	593	44
593	607	45
607	620	46
620	633	47
633	647	48
647	660	49
660	673	50
673	687	51
687	700	52
700	713	53
713	727	54
727	734	55
734 and over, 7.5% of the adjusted tax.		

TABLE 3.—MARRIED PERSONS OR SURVIVING SPOUSE FILING JOINT RETURN

If the adjusted tax is: At least	But less than	The tax is—	If the adjusted tax is: At least	But less than	The tax is—	If the adjusted tax is: At least	But less than	The tax is—
0	$293	0	$420	$427	$20	$553	$560	$40
$293	300	$1	427	433	21	560	567	41
300	307	2	433	440	22	567	573	42
307	313	3	440	447	23	573	580	43
313	320	4	447	453	24	580	593	44
320	327	5	453	460	25	593	607	45
327	333	6	460	467	26	607	620	46
333	340	7	467	473	27	620	633	47
340	347	8	473	480	28	633	647	48
347	353	9	480	487	29	647	660	49
353	360	10	487	493	30	660	673	50
360	367	11	493	500	31	673	687	51
367	373	12	500	507	32	687	700	52
373	380	13	507	513	33	700	713	53
380	387	14	513	520	34	713	727	54
387	393	15	520	527	35	727	734	55
393	400	16	527	533	36	734 and over, 7.5% of the adjusted tax.		
400	407	17	533	540	37			
407	413	18	540	547	38			
413	420	19	547	553	39			

CALENDAR YEAR 1969

TABLE 1.—SINGLE PERSON (OTHER THAN HEAD OF HOUSEHOLD) AND MARRIED PERSONS FILING SEPARATE RETURN

If the adjusted tax is: At least	But less than	The tax is—	If the adjusted tax is: At least	But less than	The tax is—	If the adjusted tax is: At least	But less than	The tax is—
0	$148	0	$273	$278	$26	$515	$525	$52
$148	153	$1	278	283	27	525	535	53
153	158	2	283	288	28	535	545	54
158	163	3	288	295	29	545	555	55
163	168	4	295	305	30	555	565	56
168	173	5	305	315	31	565	575	57
173	178	6	315	325	32	575	585	58
178	183	7	325	335	33	585	595	59
183	188	8	335	345	34	595	605	60
188	193	9	345	355	35	605	615	61
193	198	10	355	365	36	615	625	62
198	203	11	365	375	37	625	635	63
203	208	12	375	385	38	635	645	64
208	213	13	385	395	39	645	655	65
213	218	14	395	405	40	655	665	66
218	223	15	405	415	41	665	675	67
223	228	16	415	425	42	675	685	68
228	233	17	425	435	43	685	695	69
233	238	18	435	445	44	695	705	70
238	243	19	445	455	45	705	715	71
243	248	20	455	465	46	715	725	72
248	253	21	465	475	47	725	735	73
253	258	22	475	485	48	735 and over, 10% of the adjusted tax.		
258	263	23	485	495	49			
263	268	24	495	505	50			
268	273	25	505	515	51			

TABLE 2.—HEAD OF HOUSEHOLD

If the adjusted tax is: At least	But less than	The tax is—	If the adjusted tax is: At least	But less than	The tax is—	If the adjusted tax is: At least	But less than	The tax is—
0	$223	0	$348	$353	$26	$505	$515	$51
$223	228	$1	353	358	27	515	525	52
228	233	2	358	363	28	525	535	53
233	238	3	363	368	29	535	545	54
238	243	4	368	373	30	545	555	55
243	248	5	373	378	31	555	565	56
248	253	6	378	383	32	565	575	57
253	258	7	383	388	33	575	585	58
258	263	8	388	393	34	585	595	59
263	268	9	393	398	35	595	605	60
268	273	10	398	403	36	605	615	61
273	278	11	403	408	37	615	625	62
278	283	12	408	413	38	625	635	63
283	288	13	413	418	39	635	645	64
288	293	14	418	423	40	645	655	65
293	298	15	423	428	41	655	665	66
298	303	16	428	433	42	665	675	67
303	308	17	433	438	43	675	685	68
308	313	18	438	445	44	685	695	69
313	318	19	445	455	45	695	705	70
318	323	20	455	465	46	705	715	71
323	328	21	465	475	47	715	725	72
328	333	22	475	485	48	725	735	73
333	338	23	485	495	49	735 and over, 10% of the adjusted tax.		
338	343	24	495	505	50			
343	348	25						

TABLE 3.—MARRIED PERSONS OR SURVIVING SPOUSE FILING JOINT RETURN

If the adjusted tax is: At least	But less than	The tax is—	If the adjusted tax is: At least	But less than	The tax is—	If the adjusted tax is: At least	But less than	The tax is—
0	$293	0	$418	$423	$26	$548	$553	$52
$293	298	$1	423	428	27	553	558	53
298	303	2	428	433	28	558	563	54
303	308	3	433	438	29	563	568	55
308	313	4	438	443	30	568	573	56
313	318	5	443	448	31	573	578	57
318	323	6	448	453	32	578	585	58
323	328	7	453	458	33	585	595	59
328	333	8	458	463	34	595	605	60
333	338	9	463	468	35	605	615	61
338	343	10	468	473	36	615	625	62
343	348	11	473	478	37	625	635	63
348	353	12	478	483	38	635	645	64
353	358	13	483	488	39	645	655	65
358	363	14	488	493	40	655	665	66
363	368	15	493	498	41	665	675	67
368	373	16	498	503	42	675	685	68
373	378	17	503	508	43	685	695	69
378	383	18	508	513	44	695	705	70
383	388	19	513	518	45	705	715	71
388	393	20	518	523	46	715	725	72
393	398	21	523	528	47	725	735	73
398	403	22	528	533	48	735 and over, 10% of the adjusted tax.		
403	408	23	533	538	49			
408	413	24	538	543	50			
413	418	25	543	548	51			

CALENDAR YEAR 1970

TABLE 1.—SINGLE PERSON (OTHER THAN HEAD OF HOUSEHOLD) AND MARRIED PERSONS FILING SEPARATE RETURNS

If the adjusted tax is: At least	But less than	The tax is—	If the adjusted tax is: At least	But less than	The tax is—	If the adjusted tax is: At least	But less than	The tax is—
0	$155	0	$700	$740	$18	$1,420	$1,460	$36
$155	175	$1	740	780	19	1,460	1,500	37
175	195	2	780	820	20	1,500	1,540	38
195	215	3	820	860	21	1,540	1,580	39
215	235	4	860	900	22	1,580	1,620	40
235	255	5	900	940	23	1,620	1,660	41
255	275	6	940	980	24	1,660	1,700	42
275	300	7	980	1,020	25	1,700	1,740	43
300	340	8	1,020	1,060	26	1,740	1,780	44
340	380	9	1,060	1,100	27	1,780	1,820	45
380	420	10	1,100	1,140	28	1,820	1,860	46
420	460	11	1,140	1,180	29	1,860	1,900	47
460	500	12	1,180	1,220	30	1,900	1,940	48
500	540	13	1,220	1,260	31	1,940	1,980	49
540	580	14	1,260	1,300	32	1,980	2,020	50
580	620	15	1,300	1,340	33	2,020 and over, 2.5% of the adjusted tax.		
620	660	16	1,340	1,380	34			
660	700	17	1,380	1,420	35			

TABLE 2.—HEAD OF HOUSEHOLD

If the adjusted tax is: At least	But less than	The tax is—	If the adjusted tax is: At least	But less than	The tax is—	If the adjusted tax is: At least	But less than	The tax is—
0	$230	0	$700	$740	$18	$1,420	$1,460	$36
$230	250	$1	740	780	19	1,460	1,500	37
250	270	2	780	820	20	1,500	1,540	38
270	290	3	820	860	21	1,540	1,580	39
290	310	4	860	900	22	1,580	1,620	40
310	330	5	900	940	23	1,620	1,660	41
330	350	6	940	980	24	1,660	1,700	42
350	370	7	980	1,020	25	1,700	1,740	43
370	390	8	1,020	1,060	26	1,740	1,780	44
390	410	9	1,060	1,100	27	1,780	1,820	45
410	430	10	1,100	1,140	28	1,820	1,860	46
430	460	11	1,140	1,180	29	1,860	1,900	47
460	500	12	1,180	1,220	30	1,900	1,940	48
500	540	13	1,220	1,260	31	1,940	1,980	49
540	580	14	1,260	1,300	32	1,980	2,020	50
580	620	15	1,300	1,340	33	2,020 and over, 2.5% of the adjusted tax.		
620	660	16	1,340	1,380	34			
660	700	17	1,380	1,420	35			

TABLE 3.—MARRIED PERSONS OR SURVIVING SPOUSE FILING JOINT RETURN

If the adjusted tax is: At least	But less than	The tax is—	If the adjusted tax is: At least	But less than	The tax is—	If the adjusted tax is: At least	But less than	The tax is—
0	$300	0	$700	$740	$18	$1,420	$1,460	$36
$300	320	$1	740	780	19	1,460	1,500	37
320	340	2	780	820	20	1,500	1,540	38
340	360	3	820	860	21	1,540	1,580	39
360	380	4	860	900	22	1,580	1,620	40
380	400	5	900	940	23	1,620	1,660	41
400	420	6	940	980	24	1,660	1,700	42
420	440	7	980	1,020	25	1,700	1,740	43
440	460	8	1,020	1,060	26	1,740	1,780	44
460	480	9	1,060	1,100	27	1,780	1,820	45
480	500	10	1,100	1,140	28	1,820	1,860	46
500	520	11	1,140	1,180	29	1,860	1,900	47
520	540	12	1,180	1,220	30	1,900	1,940	48
540	560	13	1,220	1,260	31	1,940	1,980	49
560	580	14	1,260	1,300	32	1,980	2,020	50
580	620	15	1,300	1,340	33	2,020 and over, 2.5% of the adjusted tax.		
620	660	16	1,340	1,380	34			
660	700	17	1,380	1,420	35			

(B) *Other persons.* In addition to the other taxes imposed by this chapter, there is hereby imposed on the income of every corporation, and on the income of every estate and trust, whose taxable year is the calendar year, a tax equal to the percent of the adjusted tax (as defined in subsection (b)) for the taxable year specified in the following table:

Calendar year	Percent —Estates and trusts	Corporations
1968	7.5	10.0
1969	10.0	10.0
1970	2.5	2.5

(2) *Fiscal and short taxable years*—(A) *In general.* In addition to the other taxes imposed by this chapter and except as provided in subparagraph (B), in the case of taxable years ending on or after the effective date of the surcharge and beginning before July 1, 1970, there is hereby imposed on the income of every person whose taxable year is other than the calendar year, a tax equal to—

(i) 10 percent of the adjusted tax for the taxable year, multiplied by

(ii) A fraction, the numerator of which is the sum of the number of days in the taxable year occurring on or after the effective date of the surcharge and before January 1, 1970, plus one-half times the number of days in the taxable year occurring after December 31, 1969, and before July 1, 1970, and the denominator of which is the number of days in the entire taxable year.

(B) *Limitation.* In the case of—

(i) A husband and wife (or surviving spouse) who file a joint return under section 6013 and whose adjusted tax for the taxable year is less than $580,

(ii) An individual who is a head of a household to whom section 1(b) applies and whose adjusted tax for the taxable year is less than $440, and

(iii) Any other individual (other than an estate or trust) whose adjusted tax for the taxable year is less than $290,

the tax imposed by subparagraph (A) shall not be greater than an amount equal to twice the tax which would be imposed by subparagraph (A) if the tax were imposed on the amount by which the adjusted tax exceeds $290, $220, or $145, respectively.

(C) *Effective date defined.* For purposes of subparagraph (A), the term "effective date of the surcharge" means—

(i) January 1, 1968, in the case of a corporation, and

(ii) April 1, 1968, in the case of any other taxpayer.

(b) *Adjusted tax defined.* For purposes of this section, the term "adjusted tax" means, with respect to any taxable year, the tax imposed by this chapter for such taxable year, determined without regard to—

(1) The taxes imposed by this section, section 56, section 871(a), and section 881; and

(2) Any increases in tax under section 47(a) (relating to certain dispositions, etc., of section 38 property) or section 614(c)(4)(C) (relating to increase in tax for deductions under section 615(a) prior to aggregation),

and reduced by an amount equal to the amount of any credit which would be allowable under section 37 (relating to retirement income) if no tax were imposed by this section for such taxable year.

(c) *Estimated tax.* For purposes of applying the provisions of this title with respect to declarations, amended declarations, and payments of estimated tax the time prescribed for filing or payment of which is on or after—

(1) In the case of an individual, September 15, 1968, or

(2) In the case of a corporation, June 15, 1968,

sections 6654(d)(1) and 6655(d)(1) shall not apply with respect to any taxable year for which a tax is imposed by this section.

(d) *Western Hemisphere trade corporations and dividends on certain preferred stock.* In computing, for a taxable year of a corporation, the fraction described in—

(1) Section 244(a)(2), relating to deduction with respect to dividends received on the preferred stock of a public utility,

(2) Section 247(a)(2), relating to deduction with respect to certain dividends paid by a public utility, or

(3) Section 922(2), relating to special deduction for Western Hemisphere trade corporations,

the denominator shall, under regulations prescribed by the Secretary or his delegate, be increased to reflect the rate at which tax is imposed under subsection (a) for such taxable year.

(e) *Shareholders of regulated investment companies.* In computing the amount of tax deemed paid under section 852(b)(3)(D)(ii) and the adjustment to basis described in section 852(b)(3)(D)(iii), the percentages set forth therein shall be adjusted under regulations prescribed by the Secretary or his delegate to reflect the rate at which tax is imposed under subsection (a).

(f) *Special rule.* For purposes of this title, to the extent the tax imposed by this section is attributable (under regulations prescribed by the Secretary or his delegate) to a tax imposed by another section of this chapter, such tax shall be deemed to be imposed by such other section.

[Sec. 51 as added by sec. 102, Revenue and Expenditure Control Act 1968 (82 Stat. 251); as amended by sec. 5, Act of Aug. 7, 1969 (Public Law 91-53, 82 Stat. 252); sec. 701, Tax Reform Act 1969 (83 Stat. 657)]

§ 1.51-1 Imposition of surcharge.

(a) *Introduction*—(1) *Scope of section.* In addition to the other taxes imposed under chapter 1 of the Code, section 51 imposes a surcharge on the income of individuals, estates and trusts and corporations. The tax imposed by this section constitutes a Federal income tax. Thus, for purposes of sections 535(b)(1), 545(b)(1), and 556(b)(1), the term "Federal income tax" used therein includes the proper amount of the surcharge.

(2) *Taxable years affected.* The surcharge is applicable with respect to taxpayers other than corporations for taxable years ending after March 31, 1968, and beginning before July 1, 1970, and with respect to corporations for taxable years ending after December 31, 1967, and beginning before July 1, 1970. For purposes of this section, the term, "effective date of the surcharge" for taxpayers other than corporations is April 1, 1968, and for corporations is January 1, 1968. Although the effective date for a taxpayer other than a corporation is April 1, 1968, the adjusted tax of a taxpayer whose taxable year ends after March 31, 1968, includes the tax (with certain adjustments described in paragraph (c) of this section) for the entire taxable year. For example, the adjusted tax of a taxpayer whose taxable year is the calendar year 1968, will include the tax on such taxpayer's taxable income for his entire calendar year 1968. The surcharge is not applicable with respect to a taxable year beginning after June 30, 1970.

(b) *Computation of surcharge for calendar years*—(1) *Individuals.* The surcharge imposed on individuals whose taxable year is the calendar year is determined in accordance with the applicable table contained in section 51(a)(1)(A).

(2) *Other persons.* The surcharge on the income of corporations and estates and trusts whose taxable year is the calendar year is determined in accordance with the table contained in section 51(a)(1)(B).

(3) *Special rules for computation of surcharge.* A limitation on the amount of tax imposed by chapter 1 of the Code which is determined with reference to tax rates applicable to prior taxable years, as, for example, the limitations prescribed in sections 481, 668, 1341, 1342, and 1383, shall be applied after the computation of tax including the surcharge (determined without regard to such limitation). For example, under section 481(a) if an individual changes his method of accounting certain adjustments must be made to his income. However, an increase in tax as a result of such adjustment (the "basic" increase) is limited by section 481(b) to the increase that would have resulted if the adjustment had been spread out and added ratably to the taxable income over the year in question and the 2 preceding years. In such cases the basic increase under section 481(a) will be computed with the surcharge if the change is accounting is taken into account in a surcharge year. However, the limitation in section 481(b) will be computed as follows: The amount of tax on the income (including the ratable portion of the adjustment) in the surcharge year will be figured by taking the surcharge into account; however, the amount of tax on the incomes (including the ratable portion of the adjustment) in the prior nonsurcharge years will be figured only under regular rates (i.e., without the surcharge).

(4) *Illustration of principles.* The provisions of subparagraph (3) of this paragraph may be illustrated by the following examples:

Example. (a) A, an individual filing a joint return whose taxable year is a calendar year changed his method of accounting for the calendar year 1968. The change resulted in an adjustment under section 481(a) requiring a $6,000 increase in A's taxable income for 1968. Prior to the adjustment A's taxable income for 1968 was $20,000. In order to apply section 481(b)(1) it is determined that A's taxable income for 1967 and 1966 was $14,000 and $12,000 respectively, and A's tax liability for 1967 and 1966 was $2,760 and $2,200 respectively. Under section 481(a) taxable income is increased from $20,000 to $26,000. Assume the tax computed without regard to the surcharge on $20,000 is $4,380 and on $26,000 is $6,380. Assume that the amount of surcharge on an adjusted tax of $4,380 and $6,380 is $328.50 and $478.50, respectively.

(b) Under section 481(b)(1) A's 1968 tax attributable to the $6,000 increase in A's 1968 taxable income shall not be greater than the aggregate increase in taxes for 1968, 1967, and 1966 if $2,000 (⅓ of $6,000) were added to $20,000 taxable income for 1968, $14,000 taxable income for 1967 and $12,000 taxable income for 1966. Under subparagraph (3) of this paragraph, A's 1968 tax attributable to the $6,000 increase for purposes of applying section 481(b)(1) is determined after computation of the surcharge for 1968. A's 1968 tax (including surcharge) on $20,000 is $4,708.50 ($4,380+$328.50); and on $26,000 is $6,858.50 ($6,380+$478.50). Therefore, A's 1968 tax (including surcharge) attributable to such increase is $2,150 ($6,858.50—$4,708.50).

(c) For purposes of applying section 481(b)(1) the aggregate increase in taxes (including surcharge) for 1968, 1967, and 1966 resulting from a $2,000 increase in the taxable income for each year is computed as follows:

	1968	1967	1966
(1) Taxable income before adjustment	$20,000.00	$14,000	$12,000
(2) Taxable income with adjustment (item (1) plus $2,000)	22,000.00	16,000	14,000
(3) Tax without surcharge after adjustment (tax on item (2))	5,020.00	3,200	2,760
(4) 1968 surcharge after adjustment (7.5% of line 3)	376.50		
(5) Tax with surcharge after adjustment (items (3)+(4))	5,396.50	3,200	2,760
(6) Tax (with surcharge included for 1968) before adjustment	4,708.50	2,760	2,200
(7) Increase in tax (with surcharge for 1968) attributable to adjustment (item (5) minus item (6))	688.00	440	560
(8) Total increase in taxes (including surcharge) for 1968, 1967, and 1966 ($688+$440+$560)		1,688	

(d) Since this increase in tax of $1,688 is less than the increase in tax attributable to the inclusion of the entire adjustment of $3,000 in A's 1968 taxable income ($2,150), the limitation provided by section 481(b)(1) applies and the total tax (including surcharge) for 1968 if section 481(b)(2) does not apply is determined as follows:

(1) Tax (including surcharge) on $20,000	4,708.50
(2) Increase as limited by section 481(b)(1)	1,688.00
(3) Total tax (including surcharge) for 1968	6,396.50

(c) *Adjusted tax*—(1) *In general.* The term "adjusted" tax means, with respect to any taxable year, the tax imposed by chapter 1 of the Code (other than the surcharge imposed by section 51) including the tax imposed by section 1201 (relating to the alternative tax for capital gains) for such taxable year, determined without regard to,

(i) The tax imposed by section 871(a) (relating to tax on income of nonresident aliens not connected with U.S. business),

(ii) The tax imposed by section 881 (relating to tax on income of foreign corporations not connected with U.S. business),

(iii) The tax imposed by section 56 (relating to minimum tax for tax preferences),

(iv) Any increase in tax under section 47(a) (relating to certain dispositions, etc., of section 38 property),

(v) Any increase in tax under section 614(c)(4)(C) (relating to special rules as to operating mineral interests in mines in connection with section 615(a) prior to aggregation), and

(vi) The limitations on tax referred to in paragraph (b)(3) of this section,

and reduced as provided in subparagraph (2) of this subparagraph by the credit allowable under section 37 (relating to retirement income). In the computation of the adjusted tax, the alternative tax imposed by section 1201 is determined and included in adjusted tax without taking the surcharge into account. Similarly, the alternative tax determined under sections 594, 802(a)(2), 821(c), and 1304(e)(2) shall be included in adjusted tax, without taking the surcharge into account in such computation. In computing the surcharge, the surcharge percentage contained in the applicable tables is applied against the entire amount of adjusted tax, including the amount attributable to the alternative tax.

(2) *Application of tax credits.* Under section 51 adjusted tax is determined before all credits against tax, except the retirement income credit under section 37. In making the computation of

the retirement income credit for purposes only of determining adjusted tax, the limitation contained in section 37(a) is determined without taking the surcharge into account. After the determination of the adjusted tax, the taxpayer's total tax liability, including the surcharge, may be offset by credits to which the taxpayer is entitled, including the retirement income credit (determined after taking the surcharge into account). In the determination of other credits similarly limited by the amount of tax imposed under chapter 1 of the Code, as, for example, the credit allowed under section 46, relating to credits on investments in certain depreciable property, the amount of tax upon which such limitation is based shall include the tax surcharge.

(d) *Computation of tax surcharge for fiscal and short taxable years*—(1) *In general.* (i) The tax surcharge attributable to the fiscal year or short taxable year of a corporation and estate and trust, and except as limited by subparagraph (4) of this paragraph, to individuals (other than estates and trusts), is determined in accordance with section 51(a)(2). Under section 51(a)(2) in the case of taxable years ending on or after the effective date of the surcharge (as defined in paragraph (a)(2) of this section) and beginning before July 1, 1970, the surcharge is determined by multiplying 10 percent of the adjusted tax for the taxable year by a fraction (hereinafter described as the proration fraction), the numerator of which is the sum of the number of days in the taxable year occurring on and after the effective date of the surcharge and before January 1, 1970, plus one-half times the number of days, if any, in the taxable year occurring after December 31, 1969, and before July 1, 1970, and the denominator of which is the number of days in the entire taxable year. Section 21, relating to computation of tax in years where there is a change in rates, is not applicable to the increase in tax attributable to the surcharge.

(ii) The following examples illustrate the application of subdivision (i) of this subparagraph:

Example (1). A, a single individual (other than a surviving spouse or head of household) reports his income on a July 1 through June 30 fiscal year. For the period of July 1, 1967, through June 30, 1968, A's adjusted tax is $36,600. Since A's taxable year is a fiscal year, A computes his tax surcharge by use of the proration fraction. Therefore, A's tax surcharge for fiscal year 1968 is $910 determined by multiplying $3,660 (10 percent of $36,600) by a fraction, the numerator of which is 91 (the number of days in the taxable year occurring on and after April 1, 1968, the effective date of the surcharge for individuals, and before January 1, 1970) and the denominator of which is 366 (the number of days in his entire taxable year)

$$\left(\$3{,}660\times\frac{91}{366}\right).$$

Example (2). Assume the same facts in example (1) except that the facts are with respect to A's fiscal year ending June 30, 1969. Since the entire fisca. year begins after the effective date of the surcharge (Apr. 1, 1968) and is before January 1, 1970, A's surcharge is $3,660 (10 percent of $36,600).

Example (3). B, a single individual (other than a surviving spouse or head of household) reports his income on a July 1 through June 30 fiscal year. For the period of July 1, 1969 through June 30, 1970, B's adjusted tax is $36,500. Since B's taxable year is a fiscal year, B computes his tax surcharge by use of the proration fraction, the numerator of which is 274.5, which is the sum of 184, the number of days in the taxable year occurring after April 1, 1968, and before January 1, 1970; and one-half of 181, the number of days in the taxable year occurring after December 31, 1969 and before July 1, 1970

$$\left(184+\frac{181}{2}\right).$$

Therefore, B's tax surcharge for the fiscal year ending in 1970 is $2,745, determined by multiplying $3,650 (10 percent of $36,500) by a fraction, the numerator of which is 274.5 and the denominator of which is 365 (the number of days in B's entire taxable year)

$$\left(\$3{,}650\times\frac{274.5}{365}\right)$$

(2) *Short taxable year because of death of spouse.* If a husband and wife have different taxable years solely because of the death of a spouse, and both would have had the calendar year as the taxable year but for such death, and if a joint return is filed with respect to the taxable years of each, then for purposes of the computation of the tax surcharge on the joint return the taxable years of both spouses shall be treated as the calendar year. In such a case the rules contained in section 6013(c), relating to the treatment of a joint return after the death of either spouse, shall apply. Accordingly, if H dies on August 30, 1968, and a joint return is filed on April 15, 1969, for the short taxable year of H, January 1 through August 30, and the calendar year of his wife, W, their surcharge will be computed in the manner prescribed in Table 3, section 51(a)(1)(A), based upon W's calendar year.

(3) *Short taxable year due to changes of accounting period.* (i) In the case of a return for a short period due to change of annual accounting period, the computation under section 443(b)(1) shall be made to determine the adjusted tax and not to determine the surcharge. In such case, the proration fraction prescribed in section 51(a)(2) is applicable after the determination of tax (without regard to the surcharge) for the short period under section 443(b). Therefore, if the taxpayer elects to utilize the exception provided in paragraph (2) of section 443(b), the greater of the amount under clause (i) or (ii) of subparagraph (A) of such paragraph is determined without taking the surcharge into account, and such amount is then used as a basis for determining the adjusted tax for purposes of computing the surcharge.

(ii) The application of this subparagraph is illustrated by the following example:

Example. (a) A and B, individuals filing a joint return, have been granted permission under section 442 to change their annual accounting period. They file a return for the short period of 7 months ending May 31, 1968. Assume that A and B have properly annualized their taxable income and credits for the short period (Nov. 1, 1967, through May 31, 1968) and such annualized taxable income and credits is as follows:

Taxable income	$12,000
Retirement income credit	340
Other allowable credits	1,200

(b) A and B's tax before surcharge is as follows:

Tax on $12,000		$2,260
Less: Retirement income credit	$340	
Other credits	1,200	1,540
Tax for annualized period		720
Tax for 7 month period (7/12×$720)		420

(c) A and B's tax surcharge is computed as follows:

Tax determined under section 443	$420
Add: Credits other than retirement income credit (7/12×$1,200)	700
Adjusted tax	1,120
Tax Surcharge (6 1/13×10%×$1,120)	

(d) A and B's total tax ($420+32.08) 452.08

(4) *Limitation on surcharge attributable to individuals with fiscal or short taxable years.* With respect to individuals with fiscal or short taxable years—

(i) *Joint return.* In the case of a husband and wife (or surviving spouse) who file a joint return under section 6013 and whose adjusted tax for the taxable year is less than $580, the surcharge shall not exceed twice the surcharge which would be determined under section 51(a)(2)(A) if the surcharge were imposed on the amount by which the adjusted tax exceeds $290.

(ii) *Head of household.* In the case of an individual who is a head of household to whom section 1(b) applies and whose adjusted tax for the taxable year is less than $440, the surcharge shall not exceed twice the surcharge which would be determined under section 51(a)(2)(A) if the surcharge were imposed on the amount by which the adjusted tax exceeds $220.

(iii) *Other individuals.* In the case of an individual other than an individual referred to in subdivision (i) or (ii) of this subparagraph (but not including an estate or trust) whose adjusted tax for the taxable year is less than $290, the surcharge shall not exceed twice the surcharge which would be determined under section 51(a)(2)(A) if the surcharge were imposed on the amount by which the adjusted tax exceeds $145.

(iv) *Illustration.* The provisions of this subparagraph may be illustrated by the following example:

Example: A and B file a joint return for the fiscal year July 1, 1967, through June 30, 1968. Their adjusted tax is $500. Since their adjusted tax is less than $580, the amount of the surcharge is limited as provided in subdivision (i) of this subparagraph. The limitation is computed as follows:

Adjusted tax	$500
Less: Limitation amount for taxpayers filing joint returns	290
Balance against which twice the surcharge rate is applied	210

Amount of surcharge before limitation $\left(\$500\times10\%\times\frac{91}{366}\right)$	12.43
Amount of surcharge as limited $\left(\$210\times10\%\times\frac{91}{366}\times2\right)$	10.44

(e) *Western Hemisphere trade corporations and dividends on certain stock.* (1) Section 244(a)(2) (relating to deductions with respect to dividends received on the preferred stock of a public utility), section 247(a)(2) (relating to deduction with respect to certain dividends paid by a public utility) and section 922(2) (relating to special deduction for Western Hemisphere trade corporations) provide deductions which are computed, in part, by multiplying the dividends received or paid in the case of sections 244(a)(2) and 247(a)(2), and taxable income in the case of section 922(2), by a fraction, the numerator of which is 14 percent, and the denominator of which is that percentage which equals the sum of the normal tax rate prescribed in section 11(b) and the surtax rate prescribed in section 11(c), for the taxable year, for example, 48 percent for 1968 and 1969. In order to reflect the imposition of the tax surcharge in the determination of these deductions, section 51(d) provides that the denominator of such fractions must be increased to reflect the rate at which the surcharge is imposed. Under this provision, in the case of a corporation whose taxable year is a calendar year, the denominator is increased from 48 percent to 52.8 percent for 1968 and 1969, and from 48 percent to 49.2 percent for 1970. In the case of a corporation whose taxable year is other than a calendar year, the fraction prescribed in each section is adjusted by adding to the denominator of such fraction the product of 4.8 percent (10 percent of 48 percent) multiplied by a surcharge proration fraction, the numerator of which is the sum of the number of days in the taxable year occurring on and after January 1, 1968, and before January 1, 1970, plus one-half times the number of days, if any, in the taxable year occurring after December 31, 1969 and before July 1, 1970, and the denominator of which is the number of days in the entire taxable year.

(2) The application of this paragraph is illustrated by the following examples:

Example (1). A, a calendar year corporation eligible for the deduction under section 244 (relating to dividends received on certain preferred stock), receives dividends in 1968 of $10,000 from Corporation B, a public utility corporation which is subject to taxation under chapter 1 of the Code, and with respect to which the deduction provided under section 247 is allowable with respect to these dividends. The deduction allowable under section 244 for the calendar year 1968 with respect to these dividends is $6,246.21, computed as follows:

Dividends received on preferred stock	$10,000.00
Less: The product of such dividends and the fraction specified in section 244(a)(2) adjusted to reflect surcharge ($10,000×14/52.8)	2,651.52
Amount subject to 85 percent deduction	7,348.48
Deduction allowable under section 244 (85 percent of $7,348.48)	6,246.21

Example (2). (a) Corporation W which qualifies as a Western Hemisphere trade corporation has taxable income for the fiscal year February 1, 1967, through January 31, 1968 (without taking the special deduction allowed under section 922 into account) of $176,688. The number of days in W's taxable year occurring on and after January 1, 1968, is 31. The number of days in the entire taxable year is 365.

(b) The denominator of the fraction referred to in section 922(2) used in computing the special deduction is increased from 48 percent to 48.40767 percent, computed as follows:

	Percent
Product of 4.8 percent and surcharge proration fraction (4.8% of 31/365)	0.40767
Sum of 48 percent and product (48%+0.40767%)	48.40767

(c) Corporation W's special deduction under section 922 is $51,100, which is the product of W's taxable income (computed without the deduction) ($176,688) and the fraction referred to in section 922(2) adjusted to reflect the surcharge (14%/48.40767%) computed as follows:

$$\frac{(14\%)+(\$176,688)}{(48.40767\%)}=\$51,100.$$

(f) *Shareholders of regulated investment companies*—(1) *In general.* Section 852 requires, generally, that shareholders of regulated investment companies include in their income their designated share of undistributed long-term capital gain. Under section 852(b)(3)(D)(ii) a shareholder is deemed to have paid his share of the tax required to be paid by the company under section 852(b)(3)(A) on such gain. Prior to the amendment of section 852 by the Tax Reform Act of 1969, which amendments were effective for taxable years beginning after December 31, 1969, section 852(b)(3)(A) expressly referred to a 25 percentage figure. For taxable years beginning after December 31, 1969, section 852(b)(3)(A), as amended by the Act, no longer refers to a specific percentage figure. Under section 852(b)(3)(D)(iii) the basis of the shareholder's shares is correspondingly increased with respect to his share of the capital gain on which he is deemed to have paid tax.

(2) *Adjustment for calendar year company*—(i) *Calendar years 1968 and 1969.* In the case of a regulated investment company whose taxable year is a calendar year, the tax of 25 percent deemed paid, under former section 852(b)(3)(D)(ii), by a shareholder of a regulated investment company is increased by 2.5 percent (10 percent of 25 percent) from 25 percent to 27.5 percent. A corresponding adjustment must also be made in the percentage figure used to increase adjusted basis of the shares of the regulated investment company in the hands of the shareholder. Therefore, the applicable percentage figure is decreased from 75 percent to 72.5 percent (75 percent less 2.5 percent).

(ii) *Calendar year 1970.* The taxes deemed paid by a shareholder of a regulated investment company under section 852(b)(3)(D)(ii) include the surcharge. This has the effect of increasing the percentage figures of 25 percent and 28 percent, referred to in section 1201(a), to, respectively, 25.625 percent (25 percent plus .625 percent (the product of 2.5 percent of 25 percent)) and 28.7 percent (28 percent plus 0.7 percent (the product of 2.5 percent of 28 percent)). A corresponding adjustment for 1970 must also be made in the percentage figures prescribed under section 852(b)(3)(D)(iii) used to increase adjusted basis of the shares of the shareholder. Therefore, the percentages applicable in section 852(b)(3)(D)(iii) are decreased from 75 percent to 74.375 percent (75 percent less 0.625 percent (the product of 2.5 percent of 25 percent)) and from 72 percent to 71.3 percent (72 percent less 0.7 percent (the product of 2.5 percent of 28 percent)) for calendar year 1970.

(3) *Adjustment for a fiscal or short taxable year*—(i) *Taxable years ending prior to January 1, 1970.* In the case of a corporation with a taxable year which is other than a calendar year and which ends prior to January 1, 1970, the tax of 25 percent deemed paid by a shareholder of a regulated investment company is increased by the product of 2.5 percent (10 percent of 25 percent) times a surcharge proration fraction, the numerator of which is the sum of the number of days in the taxable year of the regulated investment company occurring on and after January 1, 1968, and the denominator of which is the number of days in the entire taxable year. The percentage figure of 75 percent used to increase adjusted basis of the shares of the regulated investment company in the hands of the shareholder is correspondingly decreased.

(ii) *Taxable years ending after December 31, 1969.* In the case of taxable years, other than the calendar year, beginning in 1969 and ending in 1970, in applying section 852(b)(3)(D)(ii) each shareholder shall be deemed to have paid a tax on certain capital gains imposed upon the investment company by section 852(b)(3)(A) which amount shall include the amount of surcharge attributable thereto. Since the rate of tax under section 852(b)(3)(A) (without regard to the surcharge) has changed, with the effective date of change being January 1, 1970, the rules of section 21 (relating to the effect of such changes) shall be applied in computing the adjusted tax of the company. After the adjusted tax is so computed, the surcharge attributable thereto shall be determined under section 51(a)(2)(A) of the Code and paragraph (d) of this section. Similarly, a corresponding adjustment to the basis under section 852(b)(3)(D)(iii) shall be made.

(iii) Subdivisions (i) and (ii) of this subparagraph may be illustrated by the following examples. Assume that all computations are carried out to sufficient accuracy:

Example (1). (a) R, a regulated investment company as defined in section 851, has a fiscal taxable year from April 1, 1967, through March 31, 1968. The number of

days in R's taxable year occurring on or after January 1, 1968, is 91. The number of days in the entire taxable year is 366.

(b) The percentage figure (25 percent before adjustment) referred to in former section 852(b)(3)(A) and, by cross reference, in section 852(b)(3)(D)(ii) applicable to R must be increased to 25.622 percent, computed as follows:

$$\frac{(2.5\%)\times(91)}{366}+25\%=25.622\%$$

(c) The percentage figure (75 percent prior to adjustment) referred to in former section 852(b)(3)(D)(iii) must be decreased to 74.378 percent, computed as follows:

$$75\%-\frac{(2.5\%)\times(91)}{366}=74.378\%$$

Example (2). (a) R, a regulated investment company as defined in section 851, has a fiscal taxable year from July 1, 1969, through June 30, 1970. The amount of undistributed long-term capital gains, during such taxable year of R, is $55,000. There are no short-term capital losses and no deductions for dividends paid (as defined in section 561). The total amount of undistributed subsection (d) gain (as defined in section 1201(d)) is $50,000. The number of days in R's taxable year occurring before January 1, 1970, is 184. The number of days in R's taxable year occurring after December 31, 1969, is 181. One-half of the number of days in R's taxable year occurring after December 31, 1969, and before July 1, 1970, is 90.5. The total number of days in R's taxable year is 365.

(b) Adjusted tax is $13,824.39, computed as follows:

(1) First tentative tax is $6,931.51

$$\left((25\%\times\$55{,}000)\times\frac{184}{365}\right)$$

(2) Second tentative tax is $6,892.88

$$\left([(25\%\times\$50{,}000)+(28\%\times\$5{,}000)]\times\frac{181}{365}\right)$$

(3) The sum of first tentative tax and second tentative tax is $13,824.39 ($6,931.51+$6,892.88).

(c) The amount of surcharge is $1,039.67, computed as follows:

$$(10\%\times\$13{,}824.39)\times\frac{184+90.5}{365}=\$1{,}039.67$$

(g) *Determinations of substractions from policyholders surplus account of life insurance company.* Section 815(c)(3)(B) provides that there shall be subtracted from the policyholder's surplus account the amount (determined without regard to section 802(a)(3)) by which the tax imposed for the taxable year by section 802(a) is increased by reason of section 802(b)(3). Section 1.815–4 provides a formula to be used to determine the amount of the subtraction referred to in section 815(c)(3). In order to take the surcharge into account the numerator (referred to in § 1.815–4(c)(2)(iii)(b)) and the denominators contained in such formulas shall be decreased to reflect the surcharge percentage. For example, § 1.815–4(c)(2)(i), which applies, in general, when a company's life insurance company taxable income exceeds $25,000, provides that the amount subtracted from the policyholders surplus account shall be determined by multiplying the amount treated as distributed out of such account by a ratio, the numerator of which is 100 percent and the denominator of which is 100 percent minus the sum of the normal tax rate and the surtax rate for the taxable year. In order to reflect the imposition of the surcharge, the denominator of the fraction must be decreased from 52 percent (100 percent−48 percent) to 47.2 percent (100 percent−(48 percent+4.8 percent)) for 1968 and 1969. For 1970, the denominator must be decreased from 52 percent to 49.2 percent (100 percent−(48 percent+1.2 percent)).

(h) *Special rule for application of surcharge*—(1) *General rule.* Except as otherwise provided in this section, to the extent the tax imposed by section 51 is attributable to a tax imposed by another section of chapter 1 of the Code, such tax shall be deemed to be imposed by such other section. For example, if the only tax (other than the surcharge) imposed under chapter 1 of the Code to which a particular corporation is subject is the tax imposed by section 11, then the surcharge imposed on such corporation shall be deemed to be imposed by section 11. However, in computing the adjusted tax under section 51(b) and paragraph (c) of this section, the taxes imposed shall be determined without regard to any amount of the surcharge, whether or not deemed imposed by a section other than section 51 by operation of this paragraph. If an amount of surcharge is deemed imposed by a section other than section 51 by application of this paragraph, this paragraph shall not be applied again with respect to the same amount of surcharge. Thus, for example, if a life insurance company is subject to the tax imposed by section 802, the rates of which are determined with reference to section 11, the surcharge attributable to such tax shall be deemed to be imposed by section 802 and not by section 11. Therefore, in applying section 815(c)(3)(B), relating to certain subtractions of amounts of tax from policyholders surplus account of a stock life insurance company, the term "tax imposed for the taxable year by section 802(a)" includes the amount of surcharge attributable thereto. (See paragraph (g) of this section for special rules for determining such term.)

(2) *Illustrations of general rule.* The application of the rules contained in subparagraph (1) of this paragraph is illustrated as follows:

(i) In general, under section 46(a) the amount of credit for investment in certain depreciable property is limited to an amount equal to a specified amount of tax other than the tax imposed by certain designated sections (such as section 531, relating to the accumulated earnings tax). Under subparagraph (1) of this paragraph, only the amount of the surcharge attributable to the tax imposed by sections other than the designated sections may be taken into account in computing the limitation on the credit under section 46.

(ii) In general, under section 72(n)(3) (relating to determination of taxable income by certain self-employed individuals) any increase in taxes imposed by section 1 or 3 by reason of section 72(n)(3) shall not be reduced by any credit under part IV of subchapter A (other than sections 31 and 39 thereof). Under the rules prescribed in subparagraph (1) of this paragraph, such resulting increase in taxes shall be deemed to include the proper amount of the surcharge, and accordingly, such amount of surcharge shall not be reduced by such credits.

(iii) In general, under section 1372(b)(1) if a small business corporation makes an election under section 1372(a), such corporation shall not be subject to the taxes imposed by chapter 1 of the Code other than the tax imposed by section 1378. Under the rules prescribed in subparagraph (1) of this paragraph, such corporation shall be deemed to be subject to the surcharge imposed by section 51 attributable to the tax imposed by section 1378.

(i) *Payment of surcharge*—(1) *In general.* (i) Except as provided in subdivision (ii) of this subparagraph, the surcharge is due and payable at the same time as the income tax imposed by Chapter 1 of the Code.

(ii) In the case of a taxable year ending before June 28, 1968, the time prescribed for payment of the surcharge shall be on September 15, 1968. If a corporation elects, under section 6152, to pay its tax in two equal installments and both installments are due before September 15, 1968, then the entire additional payment required to reflect the surcharge must be paid on or before September 15. If the first installment is due on or before September 15, but the second installment is due after that date, the corporation must pay one-half of the amount of the surcharge on or before September 15, 1968. The remaining one-half of the surcharge due must be paid as a part of the second installment on the due date for that installment. A taxpayer whose taxable year ended before June 28, 1968, and filed his return before September 15, 1968, without including the tax imposed by section 51 is required to file an amended return (or an amended fiscal year tax computation schedule) by September 15, 1968 to reflect the amount of his tax surcharge. Since an amended return (or an amended fiscal year tax computation schedule) does not constitute a return for purposes of determining the periods of limitation under section 6501 or 6511 of the Code, neither the period of limitation on assessment and collection nor the period of limitation on credit or refund, if otherwise measured from the time the return is filed, will be extended by the subsequent filing of such amended return or schedule.

(2) *Interest on underpayments.* Under section 6601 interest on an underpayment of the surcharge due on or before September 15, 1968, will be computed from such date. However, for purposes of computing interest on an underpayment of any tax, if the due date for payment of such tax (other than the surcharge) is before September 15, 1968, and if such tax is for a period, or a portion of a period, during which the surcharge applies, a payment before September 15,

1968, whether or not designated a payment of the surcharge, is applied against the underpayment of such tax to the extent thereof, and the balance, if any, is applied against any surcharge liability due on or before September 15, 1968.

(3) *Interest on overpayments.* Under sections 6611 and 6513, in general, interest on an overpayment of surcharge made before September 15, 1968, will be computed from such date. In the case of an overpayment of tax (not including surcharge) for a due date which is before the September 15, 1968, due date to the extent not designated a payment of surcharge, interest on such overpayment shall begin as of the prior due date (or payment, whichever is later) even if an amount of overpayment is subsequently credited against a subsequent tax liability (including a surcharge liability) on or after September 15, 1968. For purposes of this subparagraph an amount is treated as a payment of surcharge to the extent the payment exceeds the amount of tax computed without regard to the surcharge as shown on the return or amended return, and to the extent the payment does not exceed the amount reported on the return as surcharge.

PAR. 4. Section 1.242 is amended by revising section 242(a) and a historical note is added to read as follows:

§ 1.242 Statutory provisions; partially tax-exempt interest.

SEC. 242. *Partially tax-exempt interest*—(a) *Allowance of deduction.* There shall be allowed to a corporation as a deduction the amount received as interest on obligations of the United States or on obligations of corporations organized under Acts of Congress which are instrumentalities of the United States, but only if—

(1) Such interest is included in gross income; and

(2) Such interest is exempt from normal tax under the section authorizing the issuance of such obligations.

No deduction shall be allowed under this section for purposes of any surtax imposed by this subtitle.

* * * * *

[Sec. 242 as amended by sec. 123(c), Rev. Act 1964 (78 Stat. 30)].

PAR. 5. Section 1.242–1 is amended to read as follows:

§ 1.242–1 Deduction for partially tax-exempt interest.

A corporation is allowed a deduction under section 242(a) in an amount equal to certain interest received on obligations of the United States, or an obligation of corporations organized under Acts of Congress which are instrumentalities of the United States. The interest for which a deduction shall be allowed is interest which is included in gross income and which is exempt from normal tax under the act, as amended and supplemented, which authorized the issuance of the obligations. The deduction allowed by section 242(a) is allowed only for the purpose of computing normal tax, and therefore, no deduction is allowed for such interest in the computation of any surtax imposed by subtitle A of the Internal Revenue Code of 1954.

PAR. 6. Section 1.821 is amended by revising sections 821 (a) and (c)(1) and the historical note. These amended provisions read as follows:

§ 1.821 Statutory provisions; tax on mutual insurance companies (other than life or marine or fire insurance companies issuing perpetual policies).

SEC. 821. *Tax on mutual insurance companies to which part II applies*—(a) *Imposition of tax.* A tax is hereby imposed for each taxable year beginning after December 31, 1963, on the mutual insurance company taxable income of every mutual insurance company (other than a life insurance company and other than a fire, flood, or marine insurance company subject to the tax imposed by section 831). Such tax shall consist of—

(1) *Normal tax.* A normal tax of 22 percent of the mutual insurance company taxable income, or 44 percent of the amount by which such taxable income exceeds $6,000, whichever is the lesser; plus

(2) *Surtax.* A surtax on the mutual insurance company taxable income computed as provided in section 11(c) as though the mutual insurance company taxable income were the taxable income referred to in section 11(c).

* * * * *

(c) *Alternative tax for certain small companies*—(1) *Imposition of tax.* In the case of taxable years beginning after December 31, 1963, there is hereby imposed for each taxable year on the income of each mutual insurance company to which this subsection applies a tax (which shall be in lieu of the tax imposed by subsection (a)) computed as follows:

(A) *Normal tax.* A normal tax of 22 percent of the taxable investment income, or 44 percent of the amount by which such taxable income exceeds $3,000, whichever is the lesser; plus

(B) *Surtax.* A surtax on the taxable investment income computed as provided in section 11(c) as though the taxable investment income were the taxable income referred in section 11(c).

* * * * *

[Sec. 821 as amended by sec. 2, Tax Rate Extension Act 1955 (69 Stat. 14); sec. 3(a) (1) and (2), Life Insurance Company Tax Act 1955 (70 Stat. 47); sec. 2, Tax Rate Extension Act 1956 (70 Stat. 66); sec. 2, Tax Rate Extension Act 1957 (71 Stat. 9); sec. 2, Tax Rate Extension Act 1958 (72 Stat. 259); sec. 2, Tax Rate Extension Act 1959 (73 Stat. 157); sec. 201, Public Debt and Tax Rate Extension Act 1960 (74 Stat. 290); sec. 2, Tax Rate Extension Act 1961 (75 Stat. 193); sec. 2, Tax Rate Extension Act 1962 (76 Stat. 114); sec. 8(a), Rev. Act 1962 (76 Stat. 989); sec. 2, Tax Rate Extension Act 1963 (77 Stat. 72); sec. 123(a), Rev. Act 1964 (78 Stat. 29)]

PAR. 7. Section 1.821–4 is amended by revising paragraphs (b), (d), and (e)(2). These amended provisions read as follows:

§ 1.821–4 Tax on mutual insurance companies other than life insurance companies and other than fire, flood, or marine insurance companies subject to tax imposed by section 831.

* * * * *

(b) *Rates of tax imposed by section 821(a)*—(1) *Normal tax.* For taxable years beginning before January 1, 1964, the normal tax imposed under section 821(a) is the lesser of 30 percent of mutual insurance company taxable income, or 60 percent of the amount by which mutual insurance company taxable income exceeds $6,000. In the case of taxable years beginning after December 31, 1963, the normal tax is imposed at the rate of 22 percent of mutual insurance company taxable income, or 44 percent of the amount by which mutual insurance company taxable income exceeds $6,000, whichever is the lesser. For example, a company subject to tax under section 821(a) will file a return but will pay no normal tax if mutual insurance company taxable income does not exceed $6,000. When mutual insurance company taxable income exceeds $6,000 but does not exceed $12,000, the company will pay a normal tax equal to 44 percent (60 percent in the case of taxable years beginning before Jan. 1, 1964), of the amount by which mutual insurance company taxable income exceeds $6,000. When mutual insurance company taxable income exceeds $12,000, the company will pay normal tax at the rate of 22 percent (30 percent in the case of taxable years beginning before Jan. 1, 1964), of such income.

(2) *Surtax*—(i) *Taxable years beginning before January 1, 1964.* For taxable years beginning before January 1, 1964, companies taxable under section 821(a) are subject to a surtax equal to 22 percent of so much of their mutual insurance company taxable income (computed without regard to the deduction provided in section 242 for partially tax-exempt interest) as exceeds $25,000. In the case of an interinsurer or reciprocal underwriter electing to be subject to the limitation provided in section 826(b), the surtax applies to any increase in mutual insurance company taxable income attributable to such election, without regard to the $25,000 surtax exemption otherwise provided by this subparagraph, and without regard to whether the company is liable for any normal tax under subparagraph (1) of this paragraph. See section 826(f) and § 1.826–2.

(ii) *Taxable years beginning after December 31, 1963.* For taxable years beginning after December 31, 1963, companies taxable under section 821(a) are subject to a surtax at the rates and with the exemptions provided in section 11(c) on their mutual insurance company taxable income. In the case of an interinsurer or reciprocal underwriter electing to be subject to the limitation provided in section 826(b), the surtax applies to any increase in mutual insurance company taxable income attributable to such election, without regard to the surtax exemption otherwise provided by section 11(d), and without regard to whether the company is liable for any normal tax under section 821(a)(1) and subparagraph (1) of this paragraph. See section 826(f) and § 1.826–2.

* * * * *

(d) *Examples.* The application of the tax imposed by section 821(a) may be illustrated by the following examples:

Example (1). (a) M, a mutual casualty insurance company, for the calendar year 1963 has gross receipts from the items described in section 822(b) (other than paragraph (1)(D) thereof) and premiums (including deposits and assessments) in excess

of $500,000, and therefore is subject to the tax imposed by section 821(a). M's taxable investment income, computed under section 822, is $30,000 and its statutory underwriting income, computed under section 823, is $15,000. M subtracts $3,000 from its protection against loss account in accordance with the computation made under section 824(d). M has no unused loss deduction. M received no partially tax exempt interest. If M is not subject to section 826, its mutual insurance company taxable income for the taxable year 1963 is $48,000, computed as follows:

(1) Taxable investment income	$30,000
(2) Statutory underwriting income	15,000
(3) Subtractions from protection against loss account	3,000
(4) Total income items	48,000
(5) Investment loss	0
(6) Statutory underwriting loss	0
(7) Unused loss deduction	0
(8) Total loss items	0
(9) Mutual insurance company taxable income (item (4) minus item (8))	48,000

(b) Since M's mutual insurance company taxable income is in excess of $12,000, M will pay normal tax on its mutual insurance company taxable income at a rate of 30 percent. In addition, since M's mutual insurance company taxable income exceeds $25,000, M will pay surtax on such excess at a rate of 22 percent. M's total tax liability for the taxable year 1963 is $19,460, computed as follows:

(1) Mutual insurance company taxable income as computed in item (a)(9)	$48,000
(2) Normal tax; 30 percent of mutual insurance company taxable income	14,400
(3) Surtax exemption	25,000
(4) Mutual insurance company taxable income subject to the surtax (item (1) minus item (3))	23,000
(5) Surtax: 22 percent of mutual insurance company taxable income subject to the surtax	5,060
(6) Total tax (item (2) plus item (5))	19,460

Example (2). If in example (1), M's mutual insurance company taxable income for 1963 had been in excess of $6,000 but not in excess of $12,000, M would pay normal tax in an amount equal to 60 percent of the amount by which such income exceeded $6,000. Thus, if M had mutual insurance company taxable income of $11,000, M's total tax liability for the taxable year 1963 would be $3,000, computed as follows:

(1) Mutual insurance company taxable income	$11,000
(2) Mutual insurance company taxable income in excess of $6,000 ($11,000 minus $6,000)	5,000
(3) 30 percent of item (1)	3,300
(4) 60 percent of item (2)	3,000
(5) Normal tax (lesser of items (3) or (4))	3,000
(6) Surtax exemption	25,000

Since the surtax exemption exceeds the mutual insurance company taxable income for purposes of the surtax, there is no surtax liability. Since the normal tax under section 821(a) is the lesser of 30 percent of mutual insurance company taxable income or 60 percent of the amount by which such income exceeds $6,000, M's normal tax (and total income tax liability) is $3,000. If M's mutual insurance company taxable income was not in excess of $6,000, M would be required to file a return, but would not be liable for any normal tax, since, in such a case, 60 percent of M's mutual insurance company taxable income in excess of $6,000 would be zero.

Example (3). Assume the same income as in example (1) in the 1965 calendar year and that M is not a corporation to which section 1561 (with respect to certain controlled corporations) applies. Since M's mutual insurance company taxable income is in excess of $12,000, M will pay normal tax on its mutual insurance company taxable income at a rate of 22 percent. In addition, since M's mutual insurance company taxable income exceeds the surtax exemption provided in section 11(d) of $25,000, M will pay a surtax on such excess at the rate provided in section 11(c), 26 percent. M's total liability for the taxable year 1964 is $16,540, computed as follows:

(1) Mutual insurance company taxable income as computed in example (1)	$48,000
(2) Normal tax: 22 percent of mutual insurance company taxable income for normal tax purposes	10,560
(3) Surtax exemption provided by section 11(d)	25,000
(4) Mutual insurance company taxable income subject to the surtax (item (1) minus item (3))	23,000
(5) Surtax: at rates provided in section 11(c): 26 percent of mutual insurance company taxable income subject to the surtax	5,980
(6) Total tax (item (2) plus item (7))	16,540

(e) *Alternative tax for certain small mutual insurance companies.* * * *

(2) *Rates of tax imposed by section 821 (c)*— (i) *Normal tax.* The normal tax for taxable years beginning before January 1, 1964, is the lesser of 30 percent of taxable investment income or 60 percent of the amount by which taxable investment income exceeds $3,000. For taxable years beginning after December 31, 1963, the normal tax is imposed at the rate of 22 percent of taxable investment income, or 44 percent of the amount by which taxable investment income exceeds $3,000, whichever is the lesser. Thus, a company subject to tax under section 821(c) will file a return but will pay no tax if for the taxable year its taxable investment income does not exceed $3,000; or will pay a normal tax equal to 44 percent (60 percent in the case of taxable years beginning before Jan. 1, 1964), of taxable investment income in excess of $3,000 when such income exceeds $3,000 but does not exceed $6,000. When taxable investment income exceeds $6,000, the normal tax is imposed at the rate of 22 percent (30 percent in the case of taxable years beginning before Jan. 1, 1964) of such income.

(ii) *Surtax.* For taxable years beginning before January 1, 1964, a surtax is imposed at the rate of 22 percent of taxable investment income (computed without regard to the deduction provided in section 242 for partially tax-exempt interest) in excess of $25,000. For taxable years beginning after December 31, 1963, a surtax is imposed at the rate provided in section 11(c) on taxable investment income in excess of the surtax exemption provided in section 11(d).

* * * * *

PAR. 8. Paragraph (b) of § 1.826-2 is amended to read as follows:

§ 1.826-2 Special rules applicable to electing reciprocals.

* * * * *

(b) *Denial of surtax exemption.* Section 826(f) provides that the tax imposed upon any increase in the mutual insurance company taxable income of a reciprocal which is attributable to the limitation provided by section 826(b) shall be computed without regard to the surtax exemption provided by section 821(a)(2) and the regulations thereunder. Thus, a company making the election provided under section 826(a) will be subject to surtax, as well as normal tax, on the increase in its mutual insurance company taxable income for the taxable year which is attributable to such election. Similarly, any amount which was added to the protection against loss account by reason of an election under section 826(a) and § 1.826-1, and which is subtracted from such account in accordance with section 826(d) and paragraph (a) of this section, will be subject to surtax, as well as normal tax, to the extent such amount increases mutual insurance company taxable income in the year in which the subtraction is made. Furthermore, the company will be subject to surtax on such increases notwithstanding the fact that it may have no normal tax liability for the taxable year, because its mutual insurance company taxable income (after giving effect to the election provided by section 826(a)) does not exceed $6,000.

PAR. 9. Section 1.963 is amended by revising sections 963(b) and by revising the historical note to read as follows:

§ 1.963 Statutory provisions; receipt of minimum distributions by domestic corporations.

SEC. 963. *Receipt of minimum distributions by domestic corporations.* * * *

(b) *Minimum distribution.* * * *

(1) *Taxable years beginning in 1963 and taxable years entirely within the surcharge period ending before January 1, 1970*—

If the effective foreign tax rate is (percentage)—	*The required minimum distribution of earnings and profit is (percentage)*—
Under 10	90
10 or over but less than 20	86
20 or over but less than 28	83
28 or over but less than 34	75
34 or over but less than 39	68
39 or over but less than 42	55
42 or over but less than 44	40
44 or over btu less than 46	27
46 or over but less than 47	14
47 or over	0

* * * * *

(2) *Taxable years beginning in 1964 and taxable years beginning in 1969 and ending in 1970 to the extent subparagraph (B) applies*—

If the effective foreign tax rate is (percentage)—	*The required minimum distribution of earnings and profit is (percentage)—*
Under 10	87
10 or over but less than 19	83
19 or over but less than 27	79
27 or over but less than 33	72
33 or over but less than 37	65
37 or over but less than 40	53
40 or over but less than 42	38
42 or over but less than 44	26
44 or over but less than 45	13
45 or over	0

(3) *Taxable years beginning after 1964 (except taxable years which include any part of the surcharge period)*—

If the effective foreign tax rate is (percentage)—	*The required minimum distribution of earnings and profits is (percentage)—*
Under 9	83
9 or over but less than 18	79
18 or over but less than 26	76
26 or over but less than 32	69
32 or over but less than 36	63
36 or over but less than 39	51
39 or over but less than 41	37
41 or over but less than 42	25
42 or over but less than 43	13
43 or over	0

In the case of a taxable year beginning before the surcharge period and ending within the surcharge period, or beginning within the surcharge period and ending after the surcharge period, or beginning before January 1, 1970, and ending after December 31, 1969, the required minimum distribution shall be equal to the sum of—

(A) That portion of the minimum distribution which would be required if the provisions of paragraph (1) were applicable to the taxable year, which the number of days in such taxable year which are within the surcharge period and before January 1, 1970, bears to the total number of days in such taxable year,

(B) That portion of the minimum distribution which would be required if the provisions of paragraph (2) were applicable to such taxable year, which the number of days in such taxable year which are within the surcharge period and after December 31, 1969, bears to the total number of days in such taxable year, and

(C) That portion of the minimum distribution which would be required if the provisions of paragraph (3) were applicable to such taxable year, which the number of days in such taxable year which are not within the surcharge period bears to the total number of days in such taxable year.

As used in this subsection, the term "surcharge period" means the period beginning January 1, 1968, and ending June 30, 1970.

* * * * *

[Sec. 963 as added by sec. 12(a), Rev. Act 1962 (76 Stat. 1006); amended by sec. 123(b), Rev. Act 1964 (78 Stat. 29); sec. 102, Rev. and Exp. Con. Act 1968 (82 Stat. 251); sec. 701, Tax Reform Act 1969 (83 Stat. 659)]

PAR. 10. Section 1.963–1 is amended by revising paragraph (a) (1) and by revising that part of paragraph (b) that precedes subparagraph (1) thereof. These amended and revised provisions read as follows:

§ 1.963–1 Exclusion of subpart F income upon receipt of minimum distribution.

(a) *In general*—(1) *Purpose of section 963.* Section 963 sets forth an exception to section 951(a)(1)(A)(i) by providing that a United States corporate shareholder may exclude from its gross income the subpart F income of a controlled foreign corporation if for the taxable year such shareholder elects such exclusion and, where necessary, receives a distribution of the earnings and profits of such foreign corporation sufficient to bring the aggregate U.S. and foreign income taxes on the pretax earnings and profits of that corporation to a percentage level approaching the U.S. tax rate for such year on the income of a domestic corporation. The election to secure an exclusion under section 963 may be made with respect to a "single first-tier corporation" or a "chain" or "group" of controlled foreign corporations. This section defines the terms "single first-tier corporations," "chains," "group," and certain other terms and prescribes the manner in which such an election is to be made. Section 1.963–2 describes the manner in which the amount of the minimum distribution for any taxable year is to be determined. Section 1.963–3 specifies the distributions counting toward a minimum distribution. Section 1.963–4 sets forth the requirement with respect to a minimum distribution from a chain or group that the overall U.S. and foreign income tax must equal either 90 percent of the U.S. corporate tax rate applied against consolidated pretax and predistribution earnings and profits or, with the application of the special rules set forth in that section, the total U.S. and foreign income taxes which would have been incurred in respect of a pro rata minimum distribution from the chain or group. Section 1.963–5 provides special rules for applying section 963 in certain cases in which the rate of foreign income tax incurred by a foreign corporation varies with the amount of distributions it makes for the taxable year. Section 1.963–6 outlines the deficiency distribution procedure that may be followed if for reasonable cause a U.S. corporate shareholder fails to receive a complete minimum distribution for a taxable year for which it elects the exclusion under section 963. Section 1.963–7 provides transitional rules for the application of section 963 for certain taxable years of U.S. shareholders ending on or before the 90th day after September 30, 1964. Section 1.963–8 provides rules for the determination of the required minimum distribution during the period the surcharge imposed by section 51 is in effect.

* * * * *

(b) *Definitions.* For purposes of section 963 and §§ 1.963–1 through 1.963–8—

* * * * *

PAR. 11. Section 1.963–2 is amended by revising paragraph (b) and paragraph (d)(1). These amended provisions read as follows:

§ 1.963–2 Determination of the amount of the minimum distribution.

* * * * *

(b) *Statutory percentage.* The statutory percentage (referred to in paragraph (a) of this section) for the taxable year shall be determined by applying the effective foreign tax rate (as defined in paragraph (c) of this section) for such year with respect to the single first-tier corporation, chain, or group, as the case may be, against—

(1) The table set forth in section 963(b)(1) in the case of an election to secure an exclusion under section 963 for a taxable year of the United States shareholder beginning in 1963 and a taxable year entirely within the surcharge period ending before January 1, 1970.

(2) The table set forth in section 963(b)(2) in the case of an election to secure an exclusion under section 963 for a taxable year of the U.S. shareholder beginning in 1964 or for a taxable year of such shareholder beginning in 1969 and ending in 1970 to the extent subparagraph (B) of section 963(b)(3) applies,

(3) The table set forth in section 963(b)(3) in the case of an election to secure an exclusion under section 963 for a taxable year of the U.S. shareholder beginning after December 31, 1964 except a taxable year which includes any part of the surcharge period, or

(4) The table set forth in paragraph (b) of § 1.963–8 in the case of an election to secure an exclusion under section 963 for the calendar year 1970.

Example. Domestic corporation M owns all the one class of stock in controlled foreign corporation A. Corporation M uses the calendar year as its taxable year, and A Corporation uses a fiscal year ending August 31. For 1964, M Corporation makes a first-tier election in order to exclude from gross income for such year the subpart F income of A Corporation for its taxable year ending on August 31, 1964. Although, such election applies to the taxable year of A Corporation beginning on September 1, 1963, the applicable table, for purposes of determining the statutory percentages to be used under paragraph (a) of this section for the taxable year, is that set forth in section 963(b)(2), which relates to taxable years of United States shareholders beginning in 1964. Thus, if for the taxable year of A Corporation ending August 31, 1964, the effective foreign tax rate is 30 percent, A Corporation would have to distribute 72 percent of its earnings and profits for such year in order for M Corporation to be entitled to an exclusion under section 963 for 1964.

* * * * *

(d) *Determination of proportionate share of earnings and profits and consolidated earnings and profits*—(1) *Earnings and profits of foreign corporations.* For purposes of §§ 1.963–1 through 1.963–8, the earnings and profits, or deficit in earnings and profits, for the taxable year, of a single first-tier corporation or of a foreign corporation in a chain or group shall be the amount of its earnings and profits for such year, determined under section 964(a) and § 1.964–1 but without reduction for foreign income tax or for distributions made by such corporation, less—

(i) In the case of a foreign corporation included in a chain or group, the amount of any distributions received

(computed without reduction for any income tax paid or accrued by such corporation with respect to such distributions) by such corporation during its taxable year from the earnings and profits (whether or not from earnings and profits of the taxable year to which the election under section 963 applies) of another foreign corporation in the chain or group,

(ii) In the case of every foreign corporation, the amount of foreign income tax paid or accrued by such corporation during its taxable year other than foreign income tax referred to in subdivision (i) and (iii) of this subparagraph, and

(iii) In the case of a foreign corporation included in a chain or group, the foreign income tax paid or accrued by such corporation with respect to distributions from the earnings and profits of any other foreign corporation in the chain or group for the taxable year of such other corporation to which the election under section 963 applies, but only if the U.S. shareholder chooses under this subdivision to take such tax into account in determining the effective foreign tax rate rather than count it toward the amount of the minimum distribution as provided in paragraph (b)(2) of § 1.963-3.

In the event that the foreign income tax of a corporation included in a chain or group depends upon the extent to which distributions are made by such corporation, the amount of foreign income tax referred to in subdivision (ii) of this subparagraph shall, only for purposes of determining the effective foreign tax rate, be the amount which would have been paid or accrued if no distributions had been made. For the rules in other cases involving corporations whose foreign income tax varies with distributions, see § 1.963-5. For the manner of computing the earnings and profits of a foreign branch treated as a wholly owned foreign subsidiary corporation see paragraph (f)(4)(ii) of § 1.963-1.

* * * * *

PAR. 12. Section 1.963-4 is amended by revising that part of paragraph (a)(2) that precedes subdivision (i) thereof to read as follows:

§ 1.963-4 Limitations on minimum distribution from a chain or group.

(a) *Minimum overall tax burden.* * * *.

(2) *Definitions.* For purposes of §§ 1.963-1 through 1.963.8—* * *

* * * * *

PAR. 13. The following new section is inserted immediately after § 1.963-7.

§ 1.963-8 Determination of minimum distribution during the surcharge period.

(a) *Taxable years not wholly within the surcharge period.* In the case of a taxable year beginning before the surcharge period and ending within the surcharge period, or beginning within the surcharge period and ending after the surcharge period, or beginning before January 1, 1970, and ending after December 31, 1969, section 963(b) provides the method for determining the required minimum distribution. Under the method prescribed in section 963(b) for such years, the required minimum distribution is an amount equal to the sums of:

(1) That portion of the minimum distribution which would be required if the provisions of section 963(b)(1) were applicable to the taxable year, which the number of days in such taxable year which are within the surcharge period and before January 1, 1970, bears to the total number of days in such taxable year.

(2) That portion of the minimum distribution which would be required if the provisions of section 963(b)(2) were applicable to such taxable year, which the number of days in such taxable year which are within the surcharge period and after December 31, 1969, bears to the total number of days in such taxable year, and

(3) That portion of the minimum distribution which would be required if the provisions of section 963(b)(3) were applicable to such taxable year, which the number of days in such taxable year which are not within the surcharge period bears to the total number of days in such taxable year.

(b) *Calendar year 1970.* For calendar year 1970, the required minimum distribution shall be an amount determined in accordance with the following table:

If the effective foreign tax rate is (percentage)—	*The required minimum distribution of earnings and profits is (percentage)—*
Under 9	84.993562
9 or over but less than 10	83.967133
10 or over but less than 18	60.993562
18 or over but less than 19	79.471233
19 or over but less than 26	77.487671
26 or over but less than 27	73.958904
27 or over but less than 32	70.487671
32 or over but less than 33	67.463014
33 or over but less than 36	63.991781
36 or over but less than 37	57.942466
37 or over but less than 39	51.991781
39 or over but less than 40	44.934247
40 or over but less than 41	37.495890
41 or over but less than 42	31.446575
42 or over but less than 43	19.446575
43 or over but less than 44	12.893151
44 or over but less than 45	6.446575
45 or over	0

(c) *Surcharge period.* For purposes of this section the term "surcharge period" means the period beginning January 1, 1968, and ending June 30, 1970.

(d) *Illustration of principles.* The application of the rules set forth in paragraphs (a), (b), and (c) of this section may be illustrated by the following example. It is assumed that all computations are carried to sufficient accuracy:

Example. (a) M, a domestic corporation, and A, its controlled corporation (the one class of stock of which is wholly owned by M), both have a taxable year beginning December 1, 1969, and ending November 30, 1970. For such taxable year M makes a first-tier election with respect to A corporation. The effective foreign tax rate for such year is 30 percent.

(b) Under section 963(b) and paragraph (b) of this section the surcharge period ends June 30, 1970. Therefore, of the 365 days in the taxable year, 153 days are not within the surcharge period. Of the remaining 313 days, 31 are within the surcharge period and before January 1, 1970 and 181 days are within the surcharge period and after December 31, 1969. If section 963(b)(1) were applicable to the entire taxable year, the required minimum distribution of earnings and profits would be 75 percent. If section 963(b)(2) were applicable to the entire taxable year, the required minimum distribution would be 72 percent. If section 963(b)(3) were applicable to the entire taxable year, the required minimum distribution would be 69 percent.

(c) Under section 963(b) and this section the required minimum distribution of earnings and profits is 71 percent, computed as follows:

$$\left(75\% \times \frac{31}{365}\right)+\left(72\% \times \frac{181}{365}\right)+\left(69\% \times \frac{153}{365}\right)=71\%.$$

[F.R. Doc. 70-16249; Filed, Dec. 4, 1970; 8:45 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

RAILROAD PASSENGER VEHICLES FROM CANADA

Antidumping Proceeding Notice

NOVEMBER 30, 1970.

On September 18, 1970, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27) indicating a possibility that railroad passenger vehicles manufactured by Hawker-Siddeley Canada Ltd., Toronto, Ontario, Canada, are being, or likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 153.29 of the Customs Regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the Bureau of Customs is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows: The information received tends to indicate that the prices of the merchandise sold for exportation to the United States are less than the prices for home consumption.

This notice is published pursuant to § 153.30 of the Customs Regulations (19 CFR 153.30).

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

[F.R. Doc. 70-16394; Filed, Dec. 4, 1970; 8:50 a.m.]

Office of Foreign Assets Control

CHINESE TYPE FOODSTUFFS

Importation Directly From Hong Kong; Certifications No Longer Available

Notice is hereby given that certificates of origin issued by the Department of Commerce and Industry of the Government of Hong Kong under procedures agreed upon between that Government and the Office of Foreign Assets Control in connection with the Foreign Assets Control Regulations are no longer available with respect to the importation into the United States from Hong Kong of the following commodities:

Cucumbers, bitter, white.
Lychees.
Marine products, fresh, frozen.

[SEAL] MARGARET W. SCHWARTZ,
Director,
Office of Foreign Assets Control.

[F.R. Doc. 70-16393; Filed, Dec. 4, 1970; 8:50 a.m.]

Office of the Secretary

TELEVISION RECEIVING SETS, MONOCHROME AND COLOR, FROM JAPAN

Determination of Sales at Less Than Fair Value

Information was received on March 22, 1968, that television receiving sets, monochrome and color, from Japan were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act").

A "Withholding of Appraisement Notice" issued by the Commissioner of Customs was published in the FEDERAL REGISTER of September 4, 1970.

I hereby determine that for the reasons stated below, television receiving sets, monochrome and color, from Japan are being, or likely to be, sold at less than fair value within the meaning of section 201(a) of the Act.

Statement of reasons on which this determination is based. The information currently before the Bureau reveals that the appropriate basis of comparison is between purchase price or exporter's sales price and adjusted home market price.

Purchase price was calculated on the basis of f.o.b. or f.o.r. packed prices with deductions for freight, packing, and other charges as applicable. The applicable Japanese commodity tax was added to this price.

Exporter's sales price was calculated by deducting from the resale prices of the related firms to distributors in the United States any applicable discounts to arrive at a net selling price. From the latter, appropriate deductions were made for inland freight in Japan, ocean freight and insurance, U.S. duty, brokerage charges, U.S. freight, warranty costs, packing, and commissions and other selling expenses incurred in the United States. To this additions were made for any applicable Japanese commodity tax refunded or not paid upon exportation of the merchandise.

Home market price was based on the delivered price to distributors in the home market. Appropriate deductions were made for discounts and rebates granted for cash, quantities, and certain sales promotions. From the net price adjustments were made for commissions, warranty and installation costs, inland freight, inland insurance, patent fees, bad debts, where applicable, and packing. Adjustments were also made for differences in the merchandise, and for differences in advertising and credit costs.

Purchase prices or exporter's sales prices were lower than home market prices by amounts that were more than minimal in relation to the total volume of sales.

The U.S. Tariff Commission is being advised of this determination.

This determination is being published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)).

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 70-16331; Filed, Dec. 4, 1970; 11:49 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

NEBRASKA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Nebraska, natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

NEBRASKA

Antelope	Madison
Boone	Pierce
Boyd	Polk
Butler	Seward
Cedar	Stanton
Holt	Wayne
Knox	

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1971, except to applicants who previously received emergency or special livestock loan assistance and can qualify under established policies and procedures.

Done at Washington, D.C., this 2d day of December 1970.

J. PHIL CAMPBELL,
Acting Secretary.

[F.R. Doc. 70-16365; Filed, Dec. 4, 1970; 8:48 a.m.]

NRC PESTICIDE RESIDUES COMMITTEE REPORT ON NO RESIDUE AND ZERO TOLERANCE REGISTRATION OF PESTICIDES

Amendment of Statement for Implementation

A joint statement by the Secretary of Agriculture and the Secretary of Health, Education, and Welfare for Implementation of the NRC Pesticide Residues Committee's "Report on 'No Residue' and 'Zero Tolerance'" was published in the FEDERAL REGISTER on April 13, 1966 (31 F.R. 5723). It was agreed that registrations of all products specifying uses involving reasonable expectation of small residues on food or feed at harvest in the absence of a finite tolerance or exemption should be discontinued as of December 31, 1967, unless evidence was presented to support a finite tolerance or to show that enough progress had been made in the investigation to warrant the conclusion that the registration could be continued without undue hazard to the public health, but that in no event should such zero tolerance or no residue registrations be continued later than December 31, 1970.

Subsequent to the issuance of the above mentioned statement, the registrations of numerous products under the Federal Insecticide, Fungicide, and Rodenticide Act have been cancelled. Notices were published in the FEDERAL REGISTER on May 11, 1968, as corrected May 21, 1968 (33 F.R. 7091, 7499), May 15, 1969 (34 F.R. 7712), and May 6, 1970 (35 F.R. 7135), listing the chemical compounds and the uses involved in such cancellations. Since 1966 many pesticide petitions have been reviewed by both agencies and many tolerances have been established for negligible residues. Inert ingredients of pesticide formulations are also subject to the same deadline requirement and many of them have been exempted from the requirement of a tolerance for residues. However, it has not been possible to complete the processing of all petitions. Additional time is needed to complete action on all pending petitions involving either active or inert ingredients.

Upon review of currently available information in the light of present conditions, it is hereby agreed that the registration of the remaining products not previously involved in cancellation actions should be continued beyond December 31, 1970, but in no event beyond December 31, 1971, under the circumstances referred to below if it is determined that no undue hazard to the public is involved. Registration should be continued in those instances in which a petition for tolerance or exemption therefrom under the Federal Food, Drug, and Cosmetic Act has been filed on or before December 31, 1970, pending decision on such petition. Registration should also be continued in those instances in which continuance has been requested on or before December 31, 1970, by a Federal Agency, pending full consideration of all factors relevant to the requested continued use and decision as to whether action under section 4c of the Federal Insecticide, Fungicide, and Rodenticide Act should be taken with respect to the registration of the particular product. In connection with such a request, the Federal Agency should submit all pertinent data pertaining to the formulation of the product for which continued registration is requested along with the residue and usefulness data available, and a statement of amount and kind of data which will result from current tests and the date by which such data will be available.

Approved:

CLIFFORD M. HARDIN,
Secretary,
Department of Agriculture.

NOVEMBER 27, 1970.

ELLIOT L. RICHARDSON,
Secretary, Department
of Health, Education, and Welfare.

DECEMBER 1, 1970.

[F.R. Doc. 70-16399; Filed, Dec. 4, 1970; 8:50 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

[Dept. Organization Order 30-2B]

NATIONAL BUREAU OF STANDARDS

Organization and Functions

This material supersedes the material appearing at 35 F.R. 16329 of October 17, 1970.

SECTION 1. *Purpose.* This order prescribes the organization and assignment of functions within the National Bureau of Standards (NBS).

SEC. 2. *Organization.* The organization structure and line of authority of the National Bureau of Standards shall be as depicted in the attached organization chart. (A copy of the organization chart is on file with the original of this document with the Office of the Federal Register.)

SEC. 3. *Office of the Director.* .01 The Director determines the policies of the Bureau and directs the development and execution of its programs.

.02 The Deputy Director assists the Director in the direction of the Bureau and performs the functions of the Director in the latter's absence.

SEC. 4. *Staff units reporting to the Director.* .01 The Office of Academic Liaison shall serve as the focal point for the Bureau's cooperation with the academic institutions, and serve as liaison office for cooperative research activities between the Bureau and other Government agencies.

.02 The Office of Legal Adviser shall, under the professional supervision of the Department's General Counsel and as provided in Department Organization Order 10-6, serve as the law office of and have responsibility for all legal services at the National Bureau of Standards.

SEC. 5. *Office of the Associate Director for Programs.* The Office of the Associate Director for Programs shall perform the functions of policy development, program analysis, and program promotion; sponsor and coordinate the performance of issue and impact studies; relate Bureau programs to national needs; generate planning formats and develop information on NBS program plans and status for internal and external audiences; administer evaluation panels; and define alternatives for the allocation of resources and advise Bureau management on their implications.

SEC. 6. *Office of the Associate Director for Administration.* .01 The Associate Director for Administration shall be the principal assistant and adviser to the Director on management matters and is responsible for the conduct of administrative management functions, including the management of NBS buildings, plants, and nonscientific facilities. He shall carry out these responsibilities primarily through the organization units specified below, which are under his direction.

.02 The Accounting Division shall administer the official system of central fiscal records, payments and reports, and provide staff assistance on accounting and related matters.

.03 The Administrative Services Division shall be responsible for security, safety, emergency planning, and civil defense activities; provide mail, messenger, communications, duplicating, and related office services; manage use of auditorium and conference rooms; conduct records and forms management programs; operate an NBS records holding area; manage the NBS motor vehicle fleet; and provide janitorial service.

.04 The Budget Division shall provide advice and assistance to line management in the preparation, review, presentation, and management of the Bureau's budget encompassing its total financial resources.

.05 The Management and Organization Division shall provide consultative services to line management in organization, procedures, and management practices; develop administrative information systems; maintain the directives system; and perform reports management functions.

.06 The Personnel Division shall advise on personnel policy and utilization; administer recruitment, placement, classification, employee development and employee relations activities; and assist operating officials on these and other aspects of personnel management.

.07 The Plant Division shall maintain the physical plant at Gaithersburg, Md., and perform staff work in planning and providing grounds, buildings, and improvements at other Bureau locations.

.08 The Supply Division shall procure and distribute material, equipment, and supplies purchased by the Bureau, keep records and promote effective utilization of property, act as the Bureau coordinating office for research, construction, supply and lease contracts of the Bureau, and administer telephone communications services and travel services.

.09 The Instrument Shops Division shall design, construct, and repair precision scientific instruments and auxiliary equipment.

SEC. 7. *Office of the Associate Director for Information Programs.* .01 The Associate Director for Information Programs shall promote optimum dissemination and accessibility of scientific information generated within NBS and other agencies of the Federal Government; promote the development of the National Standard Reference Data System and a system of information analysis centers dealing with the broader aspects of the National Measurements System; provide appropriate services to ensure that the NBS staff has optimum accessibility to the scientific information of the world; and direct public information activities of the Bureau.

.02 The Office of Standard Reference Data shall administer the National Standard Reference Data System which provides critically evaluated data in the physical sciences on a national basis. This requires arrangement for the continuing systematic review of the national and international scientific literature in the physical sciences, the evaluation of the data it contains, the stimulation of research needed to fill important gaps in the data, and the compilation and dissemination of evaluated data through a variety of publication and reference services tailored to user needs in science and industry.

.03 The Office of Technical Information and Publications shall foster the outward communication of the Bureau's scientific findings and related technical data to science and industry through reports, articles, conferences and meetings, films, correspondence and other appropriate mechanisms; and assist in the preparation, scheduling, printing, and distribution of Bureau publications.

.04 The Library Division shall furnish diversified information services to the staff of the Bureau, including conventional library services, bibliographic, reference, and translation services; and serve as a reference and distribution center for Congressional legislative materials and issuances of other agencies.

.05 The Office of Public Information shall conduct the public information activities of the Bureau, including coordination of relations with the general press, and policy guidance for inquiry service for the general public.

.06 The Office of International Relations shall serve as the focal point for Bureau activities in the area of international scientific exchanges.

SEC. 8. *Center for Computer Sciences and Technology.* .01 The Center for Computer Sciences and Technology shall conduct research and provide technical services designed to aid Government agencies in improving cost effectiveness in the conduct of their programs through the selection, acquisition, and effective utilization of automatic data processing equipment (Public Law 89-306); and serve as the principal focus within the executive branch for the development of Federal standards for automatic data processing equipment, techniques, and computer languages.

.02 The Director shall direct the development, execution, and evaluation of the programs of the Center.

.03 The functions of the organizational units of the Center are as follows:

a. The Office of Information Processing Standards shall provide leadership and coordination for Government efforts in the development of information processing standards at the Federal, national, and international levels.

b. The Office of Computer Information shall function as a specialized information center for computer sciences and technology.

c. The Computer Services Division shall provide computing and data conversion services to NBS and other agencies on a reimbursable basis; and provide supporting problem analysis and computer programing as required.

d. The Systems Development Division shall conduct research in information sciences and computer programing; develop advanced concepts for the design and implementation of data processing systems; and provide consultative services to other agencies in software aspects of the design and implementation of data processing systems.

e. The Information Processing Technology Division shall conduct research and development in selected areas of information processing technology and related disciplines to improve methodologies and to match developing needs with new or improved techniques and tools.

SEC. 9. *Institute for Basic Standards.* .01 The Institute for Basic Standards shall provide the central basis within the United States of a complete and consistent system of physical measurement; coordinate that system with measurement systems of other nations; and furnish essential services leading to accurate and uniform physical measurements throughout the Nation's scientific community, industry, and commerce.

.02 The Office of the Director.

a. The Director shall direct the development, execution, and evaluation of the programs of the Institute.

b. The Deputy Director shall assist in the direction of the Institute and perform the functions of the Director in the latter's absence.

c. The Deputy Director, Institute for Basic Standards/Boulder shall assist in the direction of the Institute's programs at Boulder and report to the Associate Director for Administration through the Director, IBS, in supervising the administrative divisions at Boulder.

d. The administrative divisions reporting to the Deputy Director, Institute for Basic Standards/Boulder, include:

Administrative Services Division.
Plant Division.
Instrument Shops Division.

These divisions and units within his office shall provide staff support for the technical program and administrative services for the NBS organization at Boulder, Colo. The administrative units and divisions shall also service, as needed, National Oceanic and Atmospheric Administration and Office of Telecommunications units at Boulder, Colo., and associated field stations.

.03 The Office of Measurement Services shall coordinate the Bureau's measurement services program, including development and dissemination of uniform policies on Bureau calibration practices.

.04 The Center for Radiation Research shall constitute a prime resource within the Bureau for the application of radiation, not only to Bureau mission problems, but also to those of other agencies and other institutions. The resulting multipurpose and collaborative functions reinforce the capability of the Center for response to Bureau mission problems.

a. The Director shall report to the Director, Institute for Basic Standards, and shall direct the development, execution, and evaluation of the programs of the Center. The Deputy Director shall assist in the direction of the Center and perform the functions of the Director in the absence of the latter.

b. The organizational units of the Center for Radiation Research are as follows:

Linac Radiation Division.
Nuclear Radiation Division.
Applied Radiation Division.

Each of these Divisions shall engage in research, measurement, and application of radiation to the solution of Bureau and other institutional problems, primarily through collaboration.

.05 The other organization units of the Institute for Basic Standards are as follows:

Located at Bureau Hdqrs.
Applied Mathematics Division.
Electricity Division.
Heat Division.
Mechanics Division.
Optical Physics Division.
Located at Boulder, Colo.
Cryogenics Division.
Electromagnetics Division.
Laboratory Astrophysics Division.
Quantum Electronics Division.
Time and Frequency Division.

a. Each Division except the Applied Mathematics Division shall engage in such of the following functions as are appropriate to the subject matter field of the Division:

1. Develop and maintain the national standards for physical measurement, develop appropriate multiples and submultiples of prototype standards, and develop transfer standards and standard instruments;

2. Determine important fundamental physical constants which may serve as reference standards, and analyze the self-consistencies of their measured values;

3. Conduct experimental and theoretical studies of fundamental physical phenomena of interest to scientists and engineers with the general objective of improving or creating new measurement methods and standards to meet existing or anticipated needs;

4. Conduct general research and development on basic measurement techniques and instrumentation, including research on the interaction of basic measuring processes on the properties of matter and physical and chemical processes;

5. Calibrate instruments in terms of the national standards, and provide other measurement services to promote accuracy and uniformity of physical measurements;

6. Correlate with other nations the national standards and definitions of the units of measurement; and

7. Provide advisory services to Government, science, and industry on basic measurement problems.

b. The Applied Mathematics Division shall conduct research in various field of mathematics important to physical and engineering sciences, automatic data processing, and operations research, with emphasis on statistical, numerical and combinatorial analysis and systems dynamics; provide consultative services to the Bureau and other Federal agencies; and develop and advise on the use of mathematical tools, in checking mathematical tables, handbooks, manuals, mathematical models, and computational methods.

SEC. 10. *Institute for Materials Research.* .01 The Institute for Materials Research shall conduct materials research leading to improve methods of measurement, standards, and data on the properties of materials needed by industry, commerce, educational institutions, and Government; provide advisory and research services to other Government agencies; and develop, produce, and distribute standard reference materials.

.02 The Director shall direct the development, execution and evaluation of the programs of the Institute. The Deputy Director shall assist in the direction of the Institute and perform the functions of the Director in the latter's absence.

.03 The Office of Standard Reference Materials shall evaluate the requirements of science and industry for carefully characterized reference materials which provide a basis for calibration of instruments and equipment, comparison of measurements and materials, and aid in the control of production processes in industry; and stimulate the Bureau's efforts to develop methods for production of needed reference materials and direct their production and distribution.

.04 The other organization units of the Institute for Materials Research are as follows:

Analytical Chemistry Division.
Polymers Division.
Metallurgy Division.
Inorganic Materials Division.
Physical Chemistry Division.
Reactor Radiation Division.

Each Division shall engage in such of the following functions as are appropirate to the subject matter field of the Division:

a. Conduct research on the chemical and physical constants, constitution, structure, and properties of matter and materials;

b. Devise and improve methods for the preparation, purification, analysis, and characterization of materials;

c. Investigate fundamental chemical and physical phenomena related to materials of importance to science and industry, such as fatigue and fracture, crystal growth and imperfections, stress, corrosion, etc.;

d. Develop techniques for measurement of the properties of materials under carefully controlled conditions including extremes of high and low temperature and pressure and exposure to different types of radiation and environmental conditions;

e. Assist in the development of standard methods of measurement and equipment for evaluating the properties of materials;

f. Conduct research and development methodology leading to the production of standard reference materials, and produce these materials;

g. Provide advisory services to Government, industry, universities, and the scientific and technological community on problems related to materials;

h. Assist industry and national standards organizations in the development and establishment of standards; and

i. Cooperate with and assist national and international organizations engaged in the development of international standards.

SEC. 11. *Institute for Applied Technology.* .01 The Institute for Applied Technology shall provide technical services to promote the use of available technology and to facilitate technological innovation in industry and Government; cooperate with public and private organizations leading to the development of technological standards (including mandatory safety standards), codes and methods of test; and provide technical advice and services to Government agencies upon request. The Institute shall also monitor NBS engineering standards activities and provide liaison between NBS and national and international engineering standards bodies.

.02 The Director shall direct the development, execution, and evaluation of the programs of the Institute. The Deputy Director shall assist in the direction of the Institute and perform the functions of the Director in the latter's absence.

.03 The Office of Weights and Measures shall provide technical assistance to the States with regard to model laws and technical regulations, and to the States, business, and industry in the areas of testing, specifications, and tolerances for weighing and measuring devices, to design, construction, and use of standards of weight and measure of associated instruments, and the training of State and local weights and measures officials. The office includes the Master Railway Track Scale Depot, Clearing, Ill.

.04 The Office of Engineering Standards Services shall cooperate with and assist producers, distributors, users and consumers of products, and agencies of the Federal, State and local governments in the development of standards for products; develop safety standards required by statute; conduct appropriate sampling, testing and evaluation; and provide information services with respect to engineering standards.

.05 The Office of Flammable Fabrics shall conduct research into the flammability of products, fabrics, and materials; conduct feasibility studies on reduction of flammability of products, fabrics, and materials; develop flammability test methods and testing devices; offer appropriate training in the use of flammability test methods and testing devices; and carry out research and investigation to determine what flammability standards and regulations are needed and should be issued by the Secretary of Commerce.

.06 The Office of Invention and Innovation shall analyze the effect of Federal laws and policies (e.g., tax, antitrust, and regulatory policies) on the national climate for invention and innovation; undertake studies in related areas with other agencies; and assist and encourage inventors through inventors' services and programs, including cooperative activities with the States.

.07 The Office of Vehicle Systems Research, as mutually agreed upon by the Bureau and the National Highway Safety Bureau, shall perform for the latter, or under contract or grant obtains the performance of, the research, development, testing and evaluation necessary to provide the technical basis for Federal safety standards for motor vehicles and motor equipment; develop methods of testing to determine compliance with these standards; and perform other related services.

.08 The Building Research Division shall develop criteria for performance standards of building products, structures, and systems; and cooperate with industry, other Government agencies, and the professional associations of the industry in the development of standards and measurement.

.09 The Electronic Technology Division shall develop criteria for the evaluation of products and services in the general field of electronic instrumentation; cooperate with appropriate public and private organizations in identifying needs for improved technology in this field; and cooperate in the development of standards, codes, and specifications. Further, it shall apply the technology of electronic instrumentation to the development of methods of practical measurement of physical quantities and properties of materials.

.10 The Technical Analysis Division shall conduct benefit-cost analyses and other basic studies required in planning and carrying out programs of the Institute. This includes the development of simulations of industrial systems and of Government interactions with industry, and the conduct of studies of alternative Institute programs. On request, the Division shall provide similar analytic services for other programs of the Department of Commerce, in particular, those of the science-based bureaus, and, as

appropriate, for other agencies of the executive branch.

.11 The Product Evaluation Technology Division shall develop the technology, standards, and test methods for evaluating products including their systems, components, and materials.

.12 The Measurement Engineering Division shall serve the Bureau in an engineering consulting capacity in measurement technology; and provide technical advice and apparatus development supported by appropriate research, especially in electronics, and in the combination of electronics with mechanical, thermal, and optical techniques.

Effective date: November 16, 1970.

LARRY A. JOBE,
Assistant Secretary for Administration.

[F.R. Doc. 70-16351; Filed, Dec. 4, 1970; 8:47 a.m.]

[Dept. Organization Order 30-3B]

PATENT OFFICE

Organization and Functions

This material supersedes the material appearing at 34 F.R. 19556 of December 11, 1969.

SECTION 1. *Purpose.* This order prescribes the organization and assignment of functions within the Patent Office.

SEC. 2. *Organization structure.* The principal organization structure and line of authority of the Patent Office shall be as depicted in the attached organization chart. (A copy of the organization chart is on file with the original of this document with the Office of the Federal Register.)

SEC. 3. *Office of the Commissioner.* The Commissioner determines the policies and directs the programs of the Patent Office and is responsible for the conduct of all activities of the Patent Office. He is principally assisted by five Assistant Commissioners who shall have the main duties as specified below:

a. The Deputy Commissioner (First Assistant Commissioner under 35 U.S.C. 3) shall assist the Commissioner in the direction of the Patent Office and shall perform the duties and functions of the Commissioner in the latter's absence.

b. The Assistant Commissioner for Patent Examining (an assistant commissioner under 35 U.S.C. 3) shall provide administrative and policy direction to the patent examining operations which consist of the organizational elements enumerated in section 5. This Assistant Commissioner shall be assisted by a Deputy Assistant Commissioner who, among other duties, shall perform the functions of this Assistant Commissioner during the latter's absence.

c. The Assistant Commissioner for Appeals, Legislation and Trademarks (an assistant commissioner under 35 U.S.C. 3) shall provide administrative and policy directions to the Board of Appeals, the Office of Legislation and International Affairs, the Trademark Trial and Appeal Board, and the Trademark Examining Operation.

d. The Assistant Commissioner for Research and Development shall provide administrative and policy direction to the Office of Research and Development, the Office of Search Systems and Documentation; and the Office of Organization and Systems Analysis. This Assistant Commissioner shall be assisted by a Deputy Assistant Commissioner who, among other duties, shall perform the functions of this Assistant Commissioner during the latter's absence.

e. The Assistant Commissioner for Administration shall provide administrative and policy direction to certain administrative, public and internal support services which consist of the organizational elements enumerated in section 8. This Assistant Commissioner shall be assisted by a Deputy Assistant Commissioner who, among other duties, shall perform the functions of this Assistant Commissioner during the latter's absence.

SEC. 4. *Offices reporting to the Commissioner.* .01 The Director of Planning, Budget and Evaluation shall be the principal assistant and advisor to the Commissioner in planning and developing the major programs of the Patent Office, in formulating and executing budgetary and fiscal policies, and in appraising the effectiveness of operations in attaining program objectives. He shall direct the activities of the following offices:

a. The Office of Planning shall develop and recommend major plans and programs for accomplishing the objectives of the Patent Office; direct and coordinate the development and maintenance of internal program planning for support of office-wide objectives; and analyze proposed programs for consistency and effective integration with organization responsibility, for pertinence to goals and objectives, for measurability of accomplishment, and validity and usefulness of workload parameters as indicators of expected accomplishment.

b. The Office of Budget shall formulate, interpret, and execute budgetary and fiscal policies; establish and maintain a comprehensive Planning-Programing-Budgeting System collaborating with operating officials in developing budget and fiscal plans; develop and present budget requests; allocate and maintain budgetary control of available funds; and maintain external liaison in budgetary matters.

c. The Office of Evaluation shall review and evaluate the performance of operating units to determine their effectiveness in accomplishing previously established goals and objectives; review and evaluate cost/benefit and cost/effectiveness analyses of alternatives for program accomplishment; and conduct or initiate the submission of such studies as needed for evaluation purposes.

.02 The Office of the Solicitor shall comprise the Solicitor, who is the chief legal officer for the Patent Office, and his professional associates. This Office shall handle all litigation to which the Commissioner is a party and provide other legal services, including drafting of legislation and advice and assistance on legislative matters.

.03 The Office of Information Services shall advise and represent the Commissioner on information matters; conduct programs fostering public understanding of the American patent system and the functions, services and administrative publications of the Patent Office; develop publication policies; provide direction and assistance in developing new and revised publications; and assure conformity with policies, regulations, and standards concerning publications and publication practices.

.04 The Office of Data Systems shall be responsible for providing data processing services to other elements of the Patent Office. This shall include the conduct of systems analysis and equipment evaluation studies directly related to the design and development of systems and programs for applications of computer techniques, except systems for printing patents; preparation or procurement and testing of computer programs and supplemental data processing services; operation of all general purpose ADP equipment, except that which may be approved for use within another organization unit as an integral part of its operations; and maintenance of a comprehensive library of programs, including those developed or procured by other organization units.

SEC. 5. *Offices reporting to the Assistant Commissioner for Patent Examining.* .01 The Board of Patent Interferences shall conduct patent interference proceedings and make final determination in the Patent Office as to priority of invention. The Board shall also decide questions concerning property rights in inventions in the atomic energy and space fields brought before it under the provisions of 42 U.S.C. 2182 and 2457 (d) and (e).

.02 The Office of Examining and Documentation Control shall develop procedures, quality and quantity standards relating to the conduct of the examination and documentation functions; evaluate compliance with examination and documentation standards; and train new examiners in patent practice and procedure.

.03 The Office of Support Services shall provide direct administrative and clerical support to the Examining Groups in the examination of patent applications and attend to the processing of applications both in advance of examination and after allowance by the examiners for patent issuance. Its duties include the review of incoming applications for compliance in matters of form; the origination and maintenance of application inventory documentation and status; preparation, routing, movement, and maintenance of files; liaison with other organization units in obtaining and processing documents; and the provision of other logistical and administrative support.

.04 The Examining Groups, specified below, shall examine applications for patent to ascertain if the applicants are entitled to patents under the law and

grant patents to those so entitled. Each examining group shall perform this function for patent applications falling within the generic category indicated by the title of the group. The Examining Groups are:

General Chemistry and Petroleum Chemistry;
General Organic Chemistry;
High Polymer Chemistry, Plastics and Molding;
Coating and Laminating, Bleaching, Dyeing and Photography;
Specialized Chemical Industries and Chemical Engineering;
Industrial Electronics and Related Elements;
Security and Designs;
Information Transmission, Storage and Retrieval;
Electronic Component Systems and Devices;
Physics;
Handling and Transportation Media;
Material Shaping, Article Manufacturing, Tools;
Amusement, Husbandry, Personal Treatment, Information;
Heat Power and Fluid Engineering; and
Constructions, Supports, Textiles, and Cleaning.

SEC. 6. *Offices reporting to the assistant commissioner for appeals, legislation and trademarks.* .01 The Board of Appeals shall conduct hearings and render decisions on appeals from adverse decisions of examiners rejecting claims in patent applications.

.02 The Office of Legislation and International Affairs shall make studies and advise the Commissioner on policy and action concerning matters which may require legislation and on international patent and trademark matters; develop and direct the implementation of related programs; maintain liaison with the Office of the Secretary, the Department of State, and appropriate congressional committees; and conduct negotiations in technical patent and trademark matters in establishing or implementing international agreements.

.03 The Trademark Trial and Appeals Board shall be responsible for hearing and deciding adversary proceedings involving interfering applications, oppositions to registration, cancellation petitions, and concurrent use proceedings; and for hearing and deciding appeals from final refusals of the trademark examiners to allow the registration of trademarks.

.04 The Trademark Examining Operation shall be responsible for the classification and examination of applications for the registration of trademarks and service marks and the maintenance of the principal and supplemental registers of trademarks.

SEC. 7. *Offices reporting to the Assistant Commissioner for Research and Development.* .01 The Office of Research and Development shall identify areas of needed research, formulate approaches to research problems, and conduct research (or monitor research carried out under contract); and design and install experimental systems, new equipment, or other products of research, and evaluate their effectiveness after installation. Major research and development efforts are aimed at development of automated search and retrieval systems and more effective dissemination of stored information to Patent Office examiners, the patent profession, and the scientific community.

.02 The Office of Search Systems and Documentation shall develop, improve, and maintain subject matter classification systems; improve and maintain the examiner's search file; develop, improve and maintain operational search systems both manual and electronic, for the storage and identification of patents and patent related literature so that examiners and the public may readily retrieve particular technical information.

.03 The Office of Organization and Systems Analysis shall plan and conduct studies designed to improve organization, methods, procedures, workflow, managerial techniques, resource utilization, or otherwise increase efficiency, effectiveness and economy of operations; participate in implementing approved recommendations; counsel and assist program managers in developing and instituting systems changes to enhance effectiveness in meeting operational objectives, but not including computer systems; have responsibility for design and development of systems for printing patents, whether computerized or not, including reproduction sub-systems; have responsibility for design and development of micrographic systems; provide data research and statistical analytical services, including mathematical modeling; develop and manage a system for the issuance of internal administrative orders and instructions; promote development of the Patent Office management improvement program and coordinate the collection, review, and submission of reportable plans and accomplishments thereon; maintain a program for the management and control of reports; and make special studies as required.

SEC. 8. *Offices reporting to the Assistant Commissioner for Administration.* .01 The Office of Finance shall develop and maintain the financial accounting system of the Patent Office; perform accounting operations for the revenue, trust funds, and appropriation of the trust funds, and appropriations of the Patent Office, including maintenance of general accounts and related fiscal records, preparation of financial statements and reports, audit and certification of vouchers for payment, issuance of deposit account statements, initiation of action to collect amounts due the Patent Office, and administration of the payroll system and related employee accounts; and provide financial advice and opinions.

.02 The Office of Personnel shall administer activities relating to recruitment, placement, employee relations, training and career development, incentive awards, performance rating, position classification and wage administration, group-management relations and various employee benefit programs.

.03 The Office of Administrative Services shall provide office-wide services including the procurement and supply of equipment, furnishings, and consumable items; space and facilities management; communications; travel and transportation services; mail, messenger, and general correspondence services; and procurement and supply of graphic services and administrative printing, including office forms and publications. This Office shall also be responsible for carrying out a comprehensive paperwork management program in the Patent Office, embracing forms, reports, directives, and records.

.04 The Office of Public Services shall provide the materials and services offered directly to the public, many of which are provided on a fee basis. These shall include recording instruments that transfer property rights to patents and trademarks; furnishing copies of patents and office records; providing drafting services; and maintaining collections of pertinent technical and scientific information such as U.S. and foreign patents, periodicals, books and other publications for use by patent and trademark examiners and the public.

.05 The Office of Patent Publications shall schedule and manage the processing and movement of allowed patent application files in procuring the creation of full patent text machine language data base and the composition and printing of weekly patent issues and related announcements in the Official Gazette; monitor the quality of performance by contributing sources; provide technical direction and advice in contract administration; and maintain close liaison with the U.S. Government Printing Office; and prepare and issue patent grants.

Effective date: November 16, 1970.

LARRY A. JOBE,
Assistant Secretary for Administration.

[F.R. Doc. 70-16352; Filed, Dec. 4, 1970; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

DIAMOND FRUIT GROWERS, INC.

Canned Blackberries and Canned Purple Plums Deviating From Identity Standards; Temporary Permit for Market Testing

Pursuant to § 10.5 (21 CFR 10.5) concerning temporary permits to facilitate market testing of foods deviating from the requirements of standards of identity promulgated pursuant to section 401 (21 U.S.C. 341) of the Federal Food, Drug, and Cosmetic Act, notice is given that a temporary permit has been issued to Diamond Fruit Growers, Inc., Hood River, Oreg. 97031. This permit covers limited interstate marketing tests of canned blackberries and canned purple plums that deviate from their respective standards of identity (21 CFR 27.35 and 27.45) in that they will be packed in a medium of pear juice.

The liquid medium in the can will be single strength pear juice.

The principal display panel of the label on each container will bear the statement "packed in pear juice."

This permit expires May 1, 1972.

Dated: November 27, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-16347; Filed, Dec. 4, 1970; 8:46 a.m.]

FMC CORP.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 1F1034) has been filed by the Niagara Chemical Division, FMC Corp., 100 Niagara Street, Middleport, N.Y. 14105, proposing the establishment of a tolerance (21 CFR Part 120) for combined negligible residues of the insecticide endosulfan and its metabolite endosulfan sulfate in or on the raw agricultural commodity blueberries at 0.2 part per million.

The analytical method proposed in the petition for determining the residues of the insecticide is a microcoulometric-gas-chromatographic procedure.

Dated: November 24, 1970.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-16348; Filed, Dec. 4, 1970; 8:46 a.m.]

[Docket No. FDC-D-233; NADA No. 9-880V]

CHAS. PFIZER & CO., INC.

Terramycin Pet Formula Water Tablets; Notice of Withdrawal of Approval of New Animal Drug Application

A notice of opportunity for a hearing was published in the FEDERAL REGISTER of September 9, 1970 (35 F.R. 14226), proposing to withdraw approval of NADA (new animal drug application) No 9-880V for the drug Terramycin Pet Formula Water Tablets (a drug product containing oxytetracycline hydrochloride).

Chas. Pfizer & Co., Inc., 235 East 42d Street, New York, N.Y. 10017, holder of NADA No. 9-880V, did not respond to said notice of opportunity for a hearing within the 30 days provided. This is construed as an election by said firm to waive the opportunity for a hearing.

The Commissioner, based on his evaluation of new information before him with respect to said drug together with the evidence available to him when the application was approved, finds there is a lack of substantial evidence that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

Based on the grounds set forth in the notice of opportunity for hearing and the firm's waiver of the opportunity for a hearing, the Commissioner concludes that approval of said new animal drug application should be withdrawn. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(e), 82 Stat. 345-47; 21 U.S.C. 360b(e)) and under authority delegated to the Commissioner (21 CFR 2.120), approval of NADA 9-880V, including all amendments and supplements thereto, is withdrawn effective on the date of signature of this document.

Dated: November 20, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-16333; Filed, Dec. 4, 1970; 8:45 a.m.]

THOMPSON-HAYWARD CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 1F1055) has been filed by Thompson-Hayward Chemical Co., Post Office Box 2383, Kansas City, Kansas 66110, proposing the establishment of a tolerance (21 CFR Part 120) for residues of the fungicide 5,10-dihydro-5,10-dioxenaphtho-(2,3-*b*)-*p*-dithlin-2,3-dicarbonitrile in or on the raw agricultural commodity apples at 7 parts per million.

The analytical method proposed in the petition for determining residues of the fungicide is a technique in which the residue is extracted. The fungicide forms a colored complex with morpholine, which is proportional to the fungicide's concentration in the residue. The absorption of the colored complex is measured spectrophotometrically at 380 nanometers.

Dated: November 30, 1970.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-16349; Filed, Dec. 4, 1970; 8:46 a.m.]

WYANDOTTE CHEMICALS CORP.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1A2608) has been filed by Wyandotte Chemicals Corp., 1609 Biddle Avenue, Wyandotte, Mich. 48192, proposing that § 121.1235 *Copolymer condensates of ethylene oxide and propylene oxide* (21 CFR 121.1235) be amended to provide for the safe use of α-hydro-*omega*-hydroxypoly(oxyethylene) poly (oxypropylene) (minimum 27 moles) poly(oxyethylene) block copolymer, having a minimum molecular weight of 1900, as a surfactant and defoaming agent in poultry scald baths.

Dated: November 24, 1970.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-16350; Filed, Dec. 4, 1970; 8:46 a.m.]

Office of Education

GRANTS FOR NONCOMMERCIAL EDUCATIONAL BROADCASTING FACILITIES

Notice of Acceptance of Applications for Filing

Notice is hereby given that the following described applications for Federal financial assistance in the construction of noncommercial educational broadcasting facilities are accepted for filing under the provisions of title III, part IV of the Communications Act of 1934, as amended (47 U.S.C. 390-399) and in accordance with 45 CFR 60.8.

Any interested person may, pursuant to 45 CFR 60.10, within 30 calendar days from the date of publication in the FEDERAL REGISTER, file comments regarding these applications with the Director, Educational Broadcasting Facilities Program, U.S. Office of Education, Washington, D.C. 20202.

EDUCATIONAL TELEVISION

WGBH Educational Foundation, 125 Western Avenue, Boston, MA 02134, File No. 18T/287, for the improvement of noncommercial educational television station WGBH-TV on Channel 2, Boston III, Mass., accepted as of April 15, 1969. Estimated project cost: $603,960. Grant requested: $452,970. Application signed by: Mr. Stanford Calderwood, President.

South Carolina Educational Television Commission, 2712 Millwood Avenue, Columbia, SC, File No. 288-T, for the improvement of noncommercial educational television station WRLK-TV on Channel 35, Columbia III, S.C., accepted as of October 15, 1970. Estimated project cost: $481,246. Grant requested: $360,935. Application signed by: Mr. Henry J. Cauthen, General Manager.

Public Television Foundation for North Texas, 3000 Harry Hines Boulevard, Dallas, TX 75201, File No. 289-T, for the improvement of noncommercial television station KERA-TV on Channel 13, Dallas II, Tex., accepted as of October 19, 1970. Estimated project cost: $469,975. Grant requested: $225,000. Application signed by: Mr. Robert A. Wilson, Executive Vice President and General Manager.

Ohio Educational Television Network Commission, 21 West Broad Street, Suite 609, Columbus, OH 43200, File No. 290-T, for the establishment of a noncommercial educational television station on

Channel 45, Alliance, Ohio, accepted as of October 20, 1970. Estimated project cost: $716,370. Grant requested: $358,370. Application signed by: Mr. Dave Fornshell, Executive Director.

University of New Hampshire, Durham, N.H. 03824, File No. 291–T, for the improvement of noncommercial educational television station WENH–TV on Channel 11, Durham, N.H., accepted as of October 22, 1970. Estimated project cost: $638,129. Grant requested: $317,845. Application signed by: Mr. Robert N. Fairman, Vice President for Research, University of New Hampshire.

Detroit Educational Television Foundation, 26945 West 11 Mile Road, Southfield, MI 48075, File No. 292–T, for the improvement of noncommercial educational television station WTUS–TV on Channel 56, Detroit II, Mich., accepted as of October 23, 1970. Estimated project cost: $441,990. Grant requested: $287,293. Application signed by: Mr. James N. Christianson, Executive Director/Secretary.

The Hampton Roads ETV Association, Inc., 5200 Hampton Boulevard, Norfolk, VA 23508, File No. 293–T, for the improvement of noncommercial educational television station WHRO–TV on Channel 15, Norfolk IV, Va., accepted as of October 29, 1970. Estimated project cost: $396,250. Grant requested: $197,183. Application signed by: Mr. Randolph S. Brent, General Manager.

The Board of Regents, acting for and on behalf of Florida State University, Gaines and Adams Streets, Tallahassee, FL 32306, File No. 294–T, for the expansion of noncommercial educational television station WFSU–TV on Channel 11, Tallahassee, Fla., accepted as of October 29, 1970. Estimated project cost: $308,848. Grant requested: $231,636. Application signed by: Mr. Robert B. Mautz, Chancellor.

The Board of Regents, acting for and on behalf of the University of Florida (Gainesville), Adams and Gaines Streets, Tallahassee, FL 32304, File No. 295–T, for the expansion of noncommercial educational television station WUFT–TV on Channel 5, Gainesville, Fla., accepted as of October 29, 1970. Estimated project cost: $163,658. Grant requested: $119,908. Application signed by: Mr. Robert B. Mautz, Chancellor.

Ohio ETV Network Commission, 21 West Broad Street, Suite 609, Columbus, OH 43215, File No. 296–T, for the establishment of a noncommercial educational television station on Channel 42, Portsmouth, Ohio, accepted as of October 29, 1970. Estimated project cost: $937,196. Grant requested: $282,196. Application signed by: Mr. Dave Fornshell, Executive Director.

Ohio ETV Network Commission, 21 West Broad Street, Suite 609, Columbus, OH 43215, File No. 297–T, for the establishment of a noncommercial educational television station on Channel 44, Cambridge, Ohio, accepted as of October 29, 1970. Estimated project cost: $920,522. Grant requested: $282,522. Application signed by: Mr. Dave Fornshell, Executive Director.

Ohio ETV Network Commission, 21 West Broad Street, Suite 609, Columbus, OH 43215, File No. 298–T, for the establishment of a noncommercial educational television station on Channel 27, Bowling Green, Ohio, accepted as of October 29, 1970. Estimated project cost: $837,294. Grant requested: $269,000. Application signed by: Mr. Dave Fornshell, Executive Director.

Ohio ETV Network Commission, 21 West Broad Street, Suite 609, Columbus, OH 43215, File No. 299–T, for the establishment of a noncommercial educational television station on Channel 45, Dayton, Ohio, accepted as of October 29, 1970. Estimated project cost: $838,095. Grant requested: $282,537. Application signed by: Mr. Dave Fornshell, Executive Director.

Educational Communications Board, 505 North Segoe Road, Madison, WI 53705, File No. 300–T, for the establishment of a noncommercial educational television station on Channel 38, Green Bay, Wis., accepted as of October 30, 1970. Estimated project cost: $699,057. Grant requested: $386,057. Application signed by: Mr. Anton J. Moe, Chairman.

Board of Trustees of Michigan State University, 600 Kalamazoo Street, East Lansing, MI 48823, File No. 301–T, for the establishment of a noncommercial educational television station on Channel 23, East Lansing, Mich., accepted as of October 30, 1970. Estimated project cost: $617,567. Grant requested: $463,175. Application signed by: Mr. Roger E. Wilkinson, Vice President for Business and Finance, Michigan State University.

University of Vermont and State Agricultural College, South Prospect Street, Burlington, VT 05401, File No. 302–T, for the improvement of noncommercial educational television station WETK–TV on Channel 33, Burlington II, Vt., accepted as of October 30, 1970. Estimated project cost: $223,785. Grant requested: $167,839. Application signed by: Mr. Edward C. Andrews, Jr., President.

Redwood Empire ETV, Inc., Post Office Box 13, 333, Sixth Street, Eureka, CA 95501, File No. 303–T, for the expansion of noncommercial educational television station KEET–TV on Channel 13, Eureka II, Calif., accepted as of October 30, 1970. Estimated project cost: $32,072. Grant requested: $24,063. Application signed by: Mr. Donald H. Telford, Vice President and General Manager.

Northern Virginia ETV Association, 8333 Little River Turnpike, Annandale, Fairfax, VA 22030, File No. 304–T, for the establishment of a noncommercial educational television station on Channel 53, Annandale, Va., accepted as of November 2, 1970. Estimated project cost: $951,896. Grant requested: $467,500. Application signed by: Mr. Barnard Jay, President.

Colby - Bates - Bowdoin Educational Telecasting Corp., Chase Hall, Bates College, Lewiston, ME 04240, File No. 305–T, for the expansion of noncommercial educational televsion station WCBB–TV on Channel 10, Augusta II, Maine, accepted as of November 2, 1970. Estimated project cost: $286,025. Grant requested: $214,519. Application signed by: Mr. Roger Howell, Jr., President, Bowdoin College, Brunswick, Maine.

Greater New Orleans ETV Foundation, 916 Navarre Avenue, New Orleans, LA 70124, File No. 306–T, for the improvement of noncommercial educational television station WYES–TV on Channel 12, New Orleans III, La., accepted as of November 2, 1970. Estimated project cost: $380,984. Grant requested: $285,738. Application signed by: Mr. William D. Hart, Executive Vice President and General Manager.

Greater Washington Educational Television Association, 2600 4th Street NW., Washington, DC 20001, File No. 307–T, for the improvement of noncommercial educational television station WETA–TV on Channel 26, Washington, D.C. IV, accepted as of November 2, 1970. Estimated project cost: $749,560. Grant requested: $562,170. Application signed by: Mr. William J. McCarter, Vice President and General Manager.

Virgin Islands Public Television System, Post Office Box 5077, St. Thomas, U.S. VI 00801, File No. 308–T, for the establishment of a noncommercial educational television station on Channel 3, Charlotte Amalie, V.I., accepted as of November 2, 1970. Estimated Project cost: $450,000. Grant requested: $337,000. Application signed by: Mr. Calvin F. Bastian, General Manager.

Metropolitan Pittsburgh Educational Television, 4802 Fifth Avenue, Pittsburgh, PA 15213, File No. 309–T, for the expansion of noncommercial educational television stations WQED–TV and WQEX–TV on Channels 13 and 16, Pittsburgh II, Pa., accepted as of November 2, 1970. Estimated project cost: $508,081. Grant requested: $448,560. Application signed by: Mr. Samuel J. Francis, Assistant Secretary and Controller.

Connecticut ETV Corp., 24 Summit Street, Hartford, CT 06106, File No. 310–T, for the establishment of a noncommercial educational television station on Channel 65, New Haven, Conn., accepted as of November 2, 1970. Estimated project cost: $656,881. Grant requested: $491,881. Application signed by: Mr. Paul K. Taff, President.

University of Hawaii, 2444 Dole Street, Honolulu, HI 96822, File No. 311–T, for the establishment of a noncommercial educational television station on Channel 4, Hilo, Hawaii, accepted as of November 2, 1970. Estimated project cost: $489,768. Grant requested: $225,000. Application signed by: Mr. Harlan Cleveland, President.

University of Hawaii, 2444 Dole Street, Honolulu, HI 96822, File No. 312–T, for the establishment of a noncommercial educational television station on Channel 8, Lihue, Hawaii, accepted as of November 2, 1970. Estimated project cost: $336,648. Grant requested: $225,000. Application signed by: Mr. Harlan Cleveland, President.

Community TV of Southern California, 1313 North Vine Street, Los Angeles, CA 90028, File No. 313–T, for the expansion of noncommercial educational television station KCET–TV on Channel 28,

Los Angeles IV, Calif., accepted as of November 2, 1970. Estimated project cost: $62,309. Grant requested: $46,732. Application signed by: Mr. Douglas E. Norberg, Vice President, Administration.

Community TV of Southern California, 1313 North Vine Street, Los Angeles, CA 90028, File No. 314–T, for the improvement of noncommercial educational television station KCET–TV on Channel 28, Los Angeles V, Calif., accepted as of November 2, 1970. Estimated project cost: $181,837. Grant requested: $136,378. Application signed by: Mr. Douglas E. Norberg, Vice President, Administration.

Community TV of Southern California, 1313 North Vine Street, Los Angeles, CA 90028, File No. 315–T, for the improvement of noncommercial educational television station KCET–TV on Channel 28, Los Angeles VI, Calif., accepted as of November 2, 1970. Estimated project cost: $251,573. Grant requested: $188,680. Application signed by: Mr. Douglas E. Norberg, Vice President, Administration.

Community TV of Southern California, 1313 North Vine Street, Los Angeles, CA 90028, File No. 316–T, for the improvement of noncommercial educational television station KCET–TV on Channel 28, Los Angeles VII, Calif., accepted as of November 2, 1970. Estimated project cost: $202,640. Grant requested: $151,980. Application signed by: Mr. Douglas E. Norberg, Vice President, Administration.

Nevada Educational Communications Commission, Carson City, Nev. 98701, File No. 317–T, for the establishment of a noncommercial educational television station on Channel 8, McGill, Nev., accepted as of November 2, 1970. Estimated project cost: $265,825. Grant requested: $199,369. Application signed by: Mr. John R. Gamble, Chairman.

Nevada Educational Communications Commission, Carson City, Nev. 89701, File No. 318–T, for the establishment of a noncommercial educational television station on Channel 5, Reno, Nev., accepted as of November 2, 1970. Estimated project cost: $912,850. Grant requested: $684,638. Application signed by: Mr. John R. Gamble, Chairman.

WHYY, Inc., 4548 Market Street, Philadelphia, PA 19139, File No. 319–T, for the expansion of noncommercial educational television station WHYY–TV on Channel 12, Wilmington II, Del., accepted as of November 2, 1970. Estimated project cost: $448,180. Grant requested: $336,135. Application signed by: Mr. Warren A. Kraetzer, Executive Vice President, Secretary, and General Manager.

WHYY, Inc., 4548 Market Street, Philadelphia, PA 19139, File No. 320–T, for the improvement of noncommercial educational television station WHYY–TV on Channel 12, Wilmington III, Del., accepted as of November 2, 1970. Estimated project cost: $688,687. Grant requested: $516,515. Application signed by: Mr. Warren A. Kraetzer, Executive Vice President, Secretary, and General Manager.

WGBH Educational Foundation, 125 Western Avenue, Boston, MA 02134, File No. 321–T, for the improvement of noncommercial educational television station WGBH–TV on Channel 2, Boston IV, Mass., accepted as of November 2, 1970. Estimated project cost: $1,327,294. Grant requested: $992,471. Application signed by: Mr. Stanford Calderwood, President.

Board of Trustees, Coast Community College District, 1370 Adams Avenue, Costa Mesa, CA 92626, File No. 322–T, for the establishment of a noncommercial educational television station on Channel 50, Costa Mesa, Calif., accepted as of November 2, 1970. Estimated project cost: $1,313,833. Grant requested: $380,332. Application signed by: Mr. Norman E. Watson, Chancellor.

Mohawk-Hudson Council on ETV, Inc., 17 Fern Avenue, Schenectady, NY 12306, File No. 323–T, for the expansion of noncommercial educational television station WMHT–TV on Channel 17, Schenectady, N.Y. II, accepted as of November 2, 1970. Estimated project cost: $568,192. Grant requested: $426,144. Application signed by: Mr. Donald E. Schein, President.

University of Alaska, College, Alaska 99701, File No. 324–T, for the establishment of a noncommercial educational television station on Channel 9, College, Alaska, accepted as of November 2, 1970. Estimated project cost: $588,536. Grant requested: $441,402. Application signed by: Mr. William R. Wood, President.

Grand Valley State College, Allendale, Mich. 49401, File No. 325–T, for the establishment of a noncommercial educational television station on Channel 35, Grand Rapids, Mich., accepted as of November 2, 1970. Estimated project cost: $941,249. Grant requested: $467,000. Application signed by: Mr. Arend D. Lubbers, President.

Lake Central School Corp., Post Office Box 336, St. John, IN 46373, File No. 326–T, for the expansion of noncommercial educational television station WCAE–TV on Channel 50, St. John II, Ind., accepted as of November 2, 1970. Estimated project cost: $333,448. Grant requested: $231,448. Application signed by: Mr. George Bibich, Superintendent.

Metropolitan Indianapolis Television Association, Inc., 4200 Michigan Road, IN 46208, File No. 327–T, for the improvement of noncommercial educational television station WFYI–TV on Channel 20, Indianapolis II, Ind., accepted as of November 2, 1970. Estimated project cost: $93,680. Grant requested: $69,685 Application signed by: Mr. S. J. Vetter, President.

Florida West Coast Educational Television, Inc., 908 South 20th Street, Tampa, FL, File No. 328–T, for the establishment of a noncommercial educational television station on Channel 3, Tampa II, Fla., accepted as of November 2, 1970. Estimated project cost: $1,704,736. Grant requested: $1,278,552. Application signed by: Mr. R. Leroy Lastinger.

Regents of New Mexico State University, Post Office Box 3–J, University Park, N. Mex., File No. 329–T, for the establishment of a noncommercial educational television station on Channel 22, Las Cruces, N. Mex., accepted as of November 2, 1970. Estimated project cost: $927,017. Grant requested: $695,263. Application signed by: Mr. Harvey C. Jacobs, Director, Center for Broadcasting and International Communications, New Mexico State University.

Kentucky State Board of Education, 600 Cooper Drive, Lexington, KY 40502, File No. 330–T, for the improvement of the Kentucky ETV Network by establishing a production center at Louisville, Ky., accepted as of November 2, 1970. Estimated project cost: $254,797. Grant requested: $191,098. Application signed by: Mr. O. Leonard Press, Executive Secretary, Kentucky Authority for ETV.

Kentucky State Board of Education, 600 Cooper Drive, Lexington, KY 40502, File No. 331–T, for the improvement of noncommercial educational television station WKLE–TV on Channel 46, Richmond, Ky., accepted as of November 2, 1970. Estimated project cost: $356,667. Grant requested: $267,500. Application signed by: Mr. O. Leonard Press, Executive Secretary, Kentucky Authority for ETV.

Southern Tier Educational Television Association, Inc., Post Office Box 954, Binghamton, NY 13902, File No. 332–T, for the improvement of noncommercial educational television station WSKG–TV on Channel 46, Binghamton, N.Y., accepted as of November 2, 1970. Estimated project cost: $327,954. Grant requested: $245,954. Application signed by: Mr. Phillip P. Jackson.

Board of Public Instruction, Escambia County, Florida, 215 West Garden Street, Pensacola, FL 32504, File No. 333–T, for the improvement of noncommercial educational television station WSRE–TV on Channel 23, Pensacola II, Fla., accepted as of November 2, 1970. Estimated project cost: $517,210. Grant requested: $367,210. Application signed by: Mr. Woodrow J. Darden, Deputy Superintendent.

EDUCATIONAL RADIO

The Educational Television Council of Central New York, Inc., 506 Old Liverpool Road, Liverpool, NY 13003, File No. 51–R, for the establishment of a noncommercial educational FM radio station on Channel 217, Syracuse, N.Y., accepted as of October 6, 1970. Estimated project cost: $126,760. Grant requested: $95,070. Application signed by: Mr. Richard H. Thomas, President and General Manager.

Board of Supervisors of Louisiana State University and Mechanical College, Lakefront, New Orleans, LA 70122, File No. 52–R, for the expansion of noncommercial educational radio station WWNO–FM on Channel 210, New Orleans, La., accepted as of October 20, 1970. Estimated project cost: $93,117. Grant requested: $69,837. Application signed by: Mr. John A. Hunter, President.

South Carolina Educational Television Commission, 2712 Millwood Avenue, Columbia, SC 29205, File No. 53–R, for the establishment of a noncommercial educational FM radio station on Channel 217, Columbia, S.C., accepted as of October 21, 1970. Estimated project cost: $72,935. Grant requested: $54,702. Application signed by: Mr. Henry J. Cauthen, General Manager.

South Carolina Educational Television Commission, 2712 Millwood Avenue, Columbia, SC 29205, File No. 54–R, for the establishment of a noncommercial educational FM radio station on Channel 211, Greenville, S.C., accepted as of October 21, 1970. Estimated project cost: $75,980. Grant requested: $56,985. Application signed by: Mr. Henry J. Cauthen, General Manager.

Michigan Technological University, College Avenue, Houghton, MI 49931, File No. 55–R, for the expansion of noncommercial educational radio station WGGL–FM on Channel 216, Houghton, Mich., accepted as of October 22, 1970. Estimated project cost: $135,000. Grant requested: $101,250. Application signed by: Mr. E. J. Koepel, General Manager of Operations.

University of Massachusetts, Amherst, MA 01002, File No. 56–R, for the expansion of noncommercial educational radio station WFCR–FM on Channel 203, Amherst, Mass., accepted as of October 26, 1970. Estimated project cost: $16,464. Grant requested: $12,346. Application signed by: Mr. Oswald Tippo, Chancellor.

South Central Educational Broadcasting Council, Chocolate and Cocoa Avenues, Hershey, PA 17033, File No. 57–R, for the establishment of a noncommercial educational FM radio station on Channel 208, Hershey, Pa., accepted as of October 26, 1970. Estimated project cost: $175,000. Grant requested: $131,250. Application signed by: Mr. Gilmore B. Savers, President.

Metropolitan Government of Nashville and Davidson County by the Public Library Board, 222 Eighth Avenue North, Nashville, TN 37203, File No. 58–R, for the expansion of noncommercial educational radio station WPLN–FM on Channel 212, Nashville, Tenn., accepted as of October 30, 1970. Estimated project cost: $98,264. Grant requested: $73,264. Application signed by: Mr. David Marshall, Stewart, Chief Librarian.

Community Television, Inc., 2037 North Main Street, Jacksonville, FL 32206, File No. 59–R, for the establishment of noncommercial educational FM radio station on Channel 210, Jacksonville, Fla., accepted as of October 30, 1970. Estimated project cost: $256,987. Grant requested: $192,740. Application signed by: Mr. Fred Rebman, Executive Vice President.

Saginaw Valley College, 2250 Pierce Road, University City, MI 48710, File No. 60–R, for the expansion of noncommercial educational radio station WQDC–FM, on Channel 259, Saginaw, Mich., accepted as of October 30, 1970. Estimated project cost: $43,168. Grant requested: $32,400. Application signed by: Mr. Stuart D. Gross, Acting Station Manager.

Jack Straw Memorial Foundation, 9029 Roosevelt Way NE., Seattle, WA 98115, File No. 61–R, for the expansion of noncommercial educational radio station KRAB–FM on Channel 299, Seattle, Wash., accepted as of November 2, 1970. Estimated project cost: $26,200. Grant requested: $19,200. Application signed by: Mr. Byron D. Coney, Secretary.

Alabama Educational Television Commission, 2101 Magnolia Avenue, Birmingham, AL 35205, File No. 62–R, for the establishment of a noncommercial educational FM radio station on Channel 220, Birmingham, Ala., accepted as of November 2, 1970. Estimated project cost: $67,662. Grant requested: $50,746. Application signed by: Mr. Raymond D. Hurlbert, General Manager.

State of Oregon, Acting by and through the State Board of Higher Education, Post Office Box 3175, Eugene, OR, File No. 63–R, for the expansion of noncommercial educational radio station KOAP–FM on Channel 218, Portland, Oreg., accepted as of November 2, 1970. Estimated project cost: $63,300. Grant requested: $47,475. Application signed by: Mr. Freeman Holmer.

Center for Radio and Television, Ball State University, Muncie, Ind. 47306, File No. 64–R, for the expansion of noncommercial radio station WBST–FM on Channel 214, Muncie, Ind., accepted as of November 2, 1970. Estimated project cost: $114,357. Grant requested $85,768. Application signed by: Mr. John J. Pruis.

Metropolitan Pittsburgh Educational Television, 4802 Fifth Avenue, Pittsburgh, PA, File No. 65–R, for the establishment of a noncommercial educational FM radio station on Channel 207, Pittsburgh, Pa., accepted as of November 2, 1970. Estimated project cost: $107,003. Grant requested: $80,252. Application signed by: Mr. Samuel J. Francis.

University of Nebraska Regents, University of Nebraska at Omaha, Post Office Box 688, Downtown Station, Omaha, NE 68101, File No. 66–R, for the establishment of noncommercial educational FM radio station on Channel 214, Omaha, Nebr., accepted as of November 2, 1970. Estimated project cost: $62,155. Grant requested: $46,615. Application signed by: Mr. Kirk E. Naylor, President.

Eastern Kentucky University, Richmond, Ky. 40475, File No. 67–R, for the improvement of noncommercial educational radio station WEKU–FM on Channel 205, Richmond, Ky., accepted as of November 2, 1970. Estimated project cost: $29,091. Grant requested: $21,818. Application signed by: Mr. Robert R. Martin, President.

Maricopa County Junior College District, Phoenix, Ariz. 85002, File No. 68–R, for the expansion of noncommercial educational radio station KFCA–FM on Channel 218, Phoenix, Ariz., accepted as of November 2, 1970. Estimated project cost: $74,027. Grant requested: $55,520. Application signed by: Mr. Irwin L. Spector, Executive Vice President/Educational Services.

WHYY, Inc., 4548 Market Street, Philadelphia, PA 19139, File No. 69–R, for the expansion of noncommercial educational radio station WHYY–FM on Channel 215, Philadelphia, Pa., accepted as of November 2, 1970. Estimated project cost: $95,345. Grant requested: $71,508. Application signed by: Mr. Warren A. Kraetzer, Executive Vice President, Secretary, and General Manager.

WGBH Educational Foundation, 125 Western Avenue, Boston, MA, File No. 70–R, for the improvement of noncommercial educational radio station WGBH–FM on Channel 209, Boston, Mass., accepted as of November 2, 1970. Estimated project cost: $19,308. Grant requested: $14,481. Application signed by: Mr. Stanford Calderwood, President.

The Board of Curators of Lincoln University, 820 Chestnut Street, Jefferson City, MO 65101, File No. 71–R, for the establishment of a noncommercial educational FM radio station on Channel 205, Jefferson City, Mo., accepted as of November 2, 1970. Estimated project cost: $44,976. Grant requested: $33,732. Application signed by: Mr. Walter C. Daniel, President.

University of Oregon, Eugene, Oreg. 97403, File No. 72–R, for the improvement of noncommercial educational radio station KWAX–FM on Channel 216, Eugene, Oreg., accepted as of November 2, 1970. Estimated project cost: $21,877. Grant requested: $16,408. Application signed by: Mr. Robert M. Mozo, Associate Dean, Graduate School.

Pacifica Foundation, 3729 Cahuenga Boulevard, North Hollywood, Los Angeles, CA 91604, File No. 73–R, for the improvement of noncommercial educational radio station KPFK–FM on Channel 214, North Hollywood, Los Angeles, Calif., accepted as of November 2, 1970. Estimated project cost: $47,307. Grant requested: $35,480. Application signed by: Mr. Frank S. Wyle, and Mr. Ronald M. Loeb.

Rainy River State Junior College, 11th Street and 15th Street, International Falls, MN 56649, File No. 74–R, for the expansion of noncommercial educational radio station KICC–FM on Channel 218, International Falls, Minn., accepted as of November 2, 1970. Estimated project cost: $19,974. Grant requested: $14,974. Application signed by: Mr. Wallace A. Simpson, President.

Board of Regents, Northern Illinois University, De Kalb, Ill. 60115, File No. 75–R, for the expansion of noncommercial educational radio station WNIU–FM on Channel 208, De Kalb, Ill., accepted as of November 2, 1970. Estimated project cost: $250,948. Grant requested: $188,211. Application signed by: Mr. Richard C. Bowers, Vice President and Provost, Northern Illinois University.

St. Cloud State College, St. Cloud, Minn. 56301, File No. 76–R, for the expansion of noncommercial educational radio station KVSC–FM on Channel 205, St. Cloud, Minn., accepted as of November 2, 1970. Estimated project cost: $53,737. Grant requested: $40,303. Application signed by: Mr. Robert H. Wick, President.

Millersville State College, George and Frederick Streets, Millersville PA 17551, File No. 77–R, for the establishment of a noncommercial educational FM radio station on Channel 213, Millersville, Pa., accepted as of November 2, 1970. Estimated project cost: $99,990. Grant requested: $75,000. Application signed by: Mr. William H. Duncan.

Oklahoma State University of Agriculture and Applied Science, Communications Building, Stillwater, Okla. 74074,

File No. 78–R, for the expansion of noncommercial educational radio station KOSU–FM on Channel 219, Stillwater, Okla., accepted as of November 2, 1970. Estimated project cost: $90,000. Grant requested: $45,000. Application signed by: Mr. Robert B. Kamm, President.

Community Radio Workshop, Inc., 336 East Pettigrew Street, Durham, NC 27701, File No. 79–R, for the establishment of a noncommercial educational FM radio station on Channel 212, Durham, N.C., accepted as of November 2, 1970. Estimated project cost: $62,710. Grant requested, $41,550. Application signed by: Mr. Robert Chapman, Secretary.

East Texas State University, Commerce, Tex. 75428, File No. 80–R, for the establishment of a noncommercial educational FM radio station on Channel 205, Commerce, Tex., accepted as of November 2, 1970. Estimated project cost: $48,664. Grant requested: $36,164. Application signed by: Mr. D. H. Halladay, President.

Northern Pennsylvania ETV Association, 1824 Boulevard Avenue, Scranton, PA 18509, File No. 81–R, for the establishment of a noncommercial educational FM radio station on Channel 206, Scranton, Pa., accepted as of November 2, 1970. Estimated project cost: $140,000. Grant requested: $105,000. Application signed by: Mr. George H. Strimel, Jr., Executive. Vice President and General Manager.

Board of Trustees, University of Kentucky, Tower Office Building, Lexington, KY 40506, File No. 82–R, for the expansion of noncommercial educational radio station WBKY–FM on Channel 217, Lexington, Ky., accepted as of November 2, 1970. Estimated project cost: $59,837. Grant requested: $44,837. Application signed by: Mr. Lewis W. Cochran, Vice President of Academic Affairs.

University of South Carolina, Columbia, S.C. 29208, File No. 83–R, for the expansion of noncommercial educational radio station WUSC–FM on Channel 210, Columbia, S.C., accepted as of November 2, 1970. Estimated project cost: $15,425. Grant requested: $11,425. Application signed by: Mr. William H. Patterson, Provost.

Memphis Community Television Foundation, Memphis State University, Box 80,000, Memphis, TN 38111, File No. 84–R for the establishment of a noncommercial educational FM radio station on Channel 216, Memphis, Tenn., accepted as of November 2, 1970. Estimated project cost: $68,017. Grant requested: $51,013. Application signed by: Mr. Howard D. Hoist.

University of Minnesota, Minneapolis, Minn. 55455, File No. 85–R, for the establishment of a noncommercial educational FM radio station on Channel 219, Minneapolis, Minn., accepted as of November 2, 1970. Estimated project cost: $95,579. Grant requested: $71,684. Application signed by: Mr. Clinton T. Johnson, Assistant Vice President, Business Administration.

Approved: November 30, 1970.

T. H. Bell,
Acting U.S. Commissioner of Education.

[F.R. Doc. 70–16296; Filed, Dec. 4, 1970; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50–249]

COMMONWEALTH EDISON CO.

Order Extending Provisional Construction Permit Completion Date

By application dated November 17, 1970, Commonwealth Edison Co. requested an extension of the latest completion date specified in Provisional Construction Permit No. CPPR–22. The permit authorizes Commonwealth Edison Co. to construct a single cycle, boiling water nuclear reactor, known as Dresden Unit 3, at the Dresden Nuclear Power Station in Grundy County, Ill.

Good cause having been shown for this extension pursuant to section 185 of the Atomic Energy Act of 1954, as amended, and § 50.55(b) of 10 CFR Part 50 of the Commission's regulations: *It is hereby ordered*, That the latest completion date specified in Provisional Construction Permit No. CPPR–22 is extended from December 1, 1970, to February 1, 1971.

Dated at Bethesda, Md., this 30th day of November 1970.

For the Atomic Energy Commission.

Peter A. Morris,
Director, Division of Reactor Licensing.

[F.R. Doc. 70–16354; Filed, Dec. 4, 1970; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

OUTER CONTINENTAL SHELF

Conservation Jurisdiction in Undisputed Areas

Under authority of section 5 of the Outer Continental Shelf Lands Act of 1953 (43 U.S.C. sec. 1334) notice is hereby given that:

1. The Secretary of the Interior has exclusive conservation jurisdiction over all undisputed areas of the Outer Continental Shelf of the United States.

2. In the exercise of this jurisdiction, the Secretary has delegated to Oil and Gas Supervisors authority to regulate operations on oil and gas leases in the undisputed areas of the Outer Continental Shelf (30 CFR Part 250).

3. As to all undisputed areas of the Outer Continental Shelf under his jurisdiction, each Supervisor shall promptly issue OCS orders implementing the conservation jurisdiction of the Secretary over all lease operations of every kind, including rates of production, on oil and gas leases in these areas. Such orders shall comprise the exclusive rules and procedures governing development of oil and gas leases on the Outer Continental Shelf.

4. All orders of the Supervisors directing or authorizing oil and gas lessees on the Outer Continental Shelf to comply with orders, rules or regulations promulgated by any State or agency or subdivision thereof relating to conservation, including rates of production, are hereby rescinded.

5. This notice shall not apply to lands of the United States within the boundaries of the several States. Present conservation practices and procedures shall, until further notice, continue as to any areas of the Continental Shelf in dispute, and those involved in litigation between the Federal and State governments.

6. This notice is effective immediately. The notice of December 30, 1966 (32 F.R. 95), is hereby revoked.

Fred J. Russell,
Acting Secretary of the Interior.

December 4, 1970.

[F.R. Doc. 70–16340; Filed, Dec. 4, 1970; 4:45 p.m.]

CIVIL SERVICE COMMISSION

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary (Program Analysis—Income Maintenance and Social Services), Office of the Secretary.

United States Civil Service Commission,
[SEAL] James C. Spry,
Executive Assistant to the Commissioners.

[F.R. Doc. 70–16339; Filed, Dec. 4, 1970; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Notice of Revocation of Authority To Make Noncareer Executive Assignments

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Health, Education,

and Welfare to fill by noncareer executive assignment in the excepted service the position of Executive Assistant to the Assistant Secretary (for Education), Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 70-16340; Filed, Dec. 4, 1970; 8:46 a.m.]

OFFICE OF THE VICE PRESIDENT

Notice of Grant of Authority To Make Noncareer Executive Assignments

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Office of the Vice President to fill by noncareer executive assignment in the excepted service the position of Press Secretary to the Vice President.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 70-16341; Filed, Dec. 4, 1970; 8:46 a.m.]

DEPUTY FOR TECHNICAL INFORMATION SYSTEMS, DEPARTMENT OF THE AIR FORCE

Manpower Shortage; Notice of Listing

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission has found, effective November 19, 1970, that there is a manpower shortage for the single position of Deputy for Technical Information Systems, Office of the Assistant Secretary for Research and Development, Department of the Air Force, Washington, D.C. The appointee may be paid for the expense of travel and transportation to his post of duty.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 70-16338; Filed, Dec. 4, 1970; 8:45 a.m.]

FEDERAL MARITIME COMMISSION

AUSTRALIA, NEW ZEALAND, AND SOUTH SEA ISLANDS PACIFIC COAST CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. J. R. Harper, Secretary, Australia, New Zealand, and South Sea Islands Pacific Coast Conference, 635 Sacramento Street, San Francisco, CA 94111.

Agreement No. 7580-11 between the members of the Australia, New Zealand, and South Sea Islands Pacific Coast Conference amends the voting requirements for conference action contained in Articles 2-A and 2-B of the basic agreement by extending the present two-thirds requirement to cover all matters regarding the agreement, without exception, and defining a quorum as two-thirds of the members entitled to vote.

Dated: December 2, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70-16395; Filed, Dec. 4, 1970; 8:50 a.m.]

EUROPE CANADA LAKES LINE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. F. J. Barry, General Traffic Department, United States Navigation Inc., 17 Battery Place, New York, NY 10004.

Agreement No. 9912 establishes a joint service agreement among Hapag-Lloyd Aktiengesellschaft, Poseidon Schiffahrt Gesellschaft Mit Beschraenkter Haftung, and Ernest Russ to be known as "Europe Canada Lakes Line" in the trade between ports of the U.S. Great Lakes, the St. Lawrence River and Seaway and ports of Canada and Newfoundland and continental ports of Europe within the Bordeaux-Hamburg Range, and United Kingdom ports.

The joint service shall act as a single member of any conference, pooling arrangement or other agreement. In the case where the rates, charges, rules, and regulations are not prescribed by any conference of which the joint service is a member, the new service shall establish and maintain such in accordance with the provisions of section 18(b) of the Shipping Act, 1916, and file same with the Federal Maritime Commission.

Dated: December 2, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70-16396; Filed, Dec. 4, 1970; 8:50 a.m.]

PORT OF SEATTLE AND ALASKA STEAMSHIP CO.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after

publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

T. P. McCutchen, Manager, Property Management, Port of Seattle, Post Office Box 1209, Seattle, WA 98111.

Agreement No. T-2185-2, between the Port of Seattle and Alaska Steamship Co. (Company), modifies the basic agreement which provides for the lease of certain premises at Seattle, Wash. The purpose of the modification is to add to the activities which the company is permitted to perform on the leased premises.

Dated: December 2, 1970.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70-16397; Filed, Dec. 4, 1970; 8:50 a.m.]

STATES MARINE INTERNATIONAL, INC., AND THAI MERCANTILE MARINE, LTD.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Amy Scupi, Esq., Galland, Kharasch, Calkins & Brown, 1054 31st Street NW., Washington, DC 20007.

Agreement No. 9910 between the above carriers would permit the establishment of a joint cargo service intended to operate on a monthly basis in the trades between U.S. Atlantic and Gulf ports and ports in Singapore, Thailand, Viet-Nam, Cambodia, Indonesia, Malaysia, Laos, the Philippines, Taiwan, Hong Kong, Korea, and Japan. The service would be known as the Southeast Asia Express Service, and would be operated pursuant to the terms of Agreement No. 9910.

Dated: December 1, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70-16398; Filed, Dec. 4, 1970; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. E-7557]

DUKE POWER CO.

Order Suspending Tendered Rate Schedules, Granting Waiver of Notice Requirements, Providing for Hearing and Granting Intervention

NOVEMBER 13, 1970.

This order suspends for 30 days the operation of tendered rate schedules, orders a public hearing to be held on the lawfulness of those schedules, grants waiver of notice requirements, and permits intervention in this proceeding.

Duke Power Co. (Duke), a public utility subject to the jurisdiction of this Commission, filed on August 19, 1970, as rate schedule supplements, changes in rates for sales to municipalities, investor-owned utilities and rural electric cooperatives. Duke proposes to replace the present rates 10 and 10c applicable to municipalities and public utilities by a revised rate 10 and the present rates 11 and 11a applicable to cooperatives by a revised rate 11. The proposed rate schedule supplements are identified in Appendix A attached hereto. The filings are proposed to become effective November 14, 1970.

The proposed rate, the terms of which are detailed in Appendix B attached hereto, will provide increased revenues of $4,201,477 (20.2 percent) from the municipalities and the investor-owned public utilities, and $720,957 (7.3 percent) from the cooperatives, representing a total increase based on the 12-month period ending October 1970, of $4,922,434 (approximately 16 percent).

Duke contends that the proposed increase is necessary because the company's operating expenses, especially fuel expense and the costs of new capital, have risen much more rapidly than revenues, thus rendering the company's rate of return inadequate. Duke further explains that it is engaged in a 5-year construction program which will result in the doubling of its electric plant.

The company states that the proposed increase is filed in place of a fuel cost adjustment clause, filed in August 1969, which provided for an increase in revenue of approximately $1.5 million annually. The fuel clause filing was suspended for 5-month period until April 23, 1970 in Docket No. E-7513. Subsequently, the company requested permission to withdraw the filing, which was granted by Order of June 5, 1970.

Duke initially proposed an effective date for the present filings of October 21, 1970. However, the original filing was deficient and was not completed until October 14, 1970, whereupon Duke requested a waiver of the 60-day notice requirement of § 35.13(b) (4) of the Commission's regulations in order for the filing to become effective on November 14, 1970, 30 days after completion of the filing. We will grant waiver of that notice requirement subject to the provisions of this order.

Notice of the filing was given by publication in the FEDERAL REGISTER on September 10, 1970 (35 F.R. 14281), stating that any person desiring to be heard or to make any protest with reference to said application should on or before September 18, 1970, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure. In reply the Commission has received a response from the Governor of North Carolina, protests from the towns of Westminster and Clinton, S.C., requesting denial of the proposed rate increase, and petitions to intervene from: (1) The ElectriCities of North Carolina, and the municipalities of Granite Falls, N.C., and Abbeville, Easley, Greer, Gaffney, and Rockville, S.C.; (2) the North Carolina Electric Membership Corp. and the Blue Ridge EMC; (3) the Commissioners of Public Works, Greenwood, S.C.; and (4) the State of North Carolina. All the petitions to intervene requested: (a) Intervention, (b) a full hearing, and (c) the maximum suspension period for the filings. In addition petitions (1) and (4) above requested a full investigation of the matter and that the Commission deny Duke any deviation from the filing requirements. Petition (2) also asked that the Commission dismiss and deny the proposed rate increase.

In view of the magnitude of the rate increase and the protests and petitions of Duke's customers and the Governor and State of North Carolina, suspension of the proffered rate schedules is appropriate. No answers to these petitions have been received.

In its transmittal letter of August 19, 1970, Duke requested that the rate schedules not be suspended, and that if suspension were ordered that the period of suspension be for only 1 day rather than

the statutory maximum of 5 months. In support of this request, Duke states that the schedules filed herewith have been filed in lieu of the proposed fuel cost clause which had been suspended for the full 5-month period before it was withdrawn. In view of this and the company's alleged inability to attract capital for its projected construction program and the rapid increase in the costs of fossil fuels, we believe that it is appropriate and in the public interest to suspend the tendered rate schedules for 30 days. The 30-day period will permit the customers time to initiate any necessary adjustments in their retail rates.

On November 13, 1970, a "Motion to Reject Rate Filing and Dismiss; or, in the Alternative, to Reject Rate Filing and Convert the Filing into a section 206 Proceeding" was filed with the Commission by the North Carolina Electric Membership Corp. and the Blue Ridge Electric Membership Corp. We shall defer action on that motion until the time for filing of answers has run.

The Commission finds:

(1) The tendered rate schedule filings designated in Appendix A attached hereto may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful under the Federal Power Act.

(2) Good cause has been shown to grant Duke's request for waiver of the 60-day provision of § 35.13(b) (4) of the Commission's regulations under the Federal Power Act.

(3) It is necessary and appropriate for the purposes of the Federal Power Act, particularly sections 205, 206, 301, 307, 308, and 309 thereof, that the Commission enter upon a hearing concerning the lawfulness of the tendered filings and that the tendered filings be suspended and the use thereof be deferred and a public hearing be initiated in accordance with the procedures set forth below, all as hereinafter provided.

(4) Participation by the aforementioned petitioners for intervention in this proceeding may be in the public interest.

(5) The period of public notice given in this matter is reasonable.

The Commission orders:

(A) Duke's request for waiver of the 60-day provision of § 35.13(b) (4) of the Commission's regulations under the Federal Power Act is hereby granted to permit the tendered filing to take effect 30 days after completion of the filing, subject to the provisions of this order.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Federal Power Act and pursuant to the Commission's rules of practice and procedure, a public hearing shall be convened at the offices of the Federal Power Commission in Washington, D.C., at a date and time to be set by the hearing examiner of the Commission designated to preside over these proceedings, concerning the lawfulness of Duke's rate schedules identified in Appendix A hereto.

(C) Pending such hearing and decision thereon, the tendered rate schedules designated in Appendix A attached hereto are hereby suspended and the use thereof deferred until December 14, 1970. On that day those filings shall take effect in the manner prescribed by the Federal Power Act, and Duke, subject to further orders of the Commission, shall charge and collect the increased rates and charges set forth in those filings for all power sold and delivered thereunder.

(D) Duke shall file with the Commission and serve on all parties, on or before January 31, 1971, its case-in-chief in support of the subject rate schedules, including testimony of witnesses and exhibits. The parties may submit to the Presiding Examiner, on or before February 20, 1971, proposed dates for commencement of cross-examination of the company's witnesses. If any party believes that a prehearing conference would serve to expedite the proceeding, he may file with the Chief Examiner or the designated Presiding Examiner, on or before February 20, 1971, a motion for a prehearing conference, including a statement of how the proceeding would be expedited thereby and a proposed agenda for the conference. All further procedural dates shall be as ordered by the Presiding Examiner:

(E) Duke shall refund at such times and in such manner as may be required by final order of the Commission the portion of the increased rates and charges found by the Commission in this proceeding not justified, together with interest at the New York prime rate on December 14, 1970, from the date of payment until refunded; shall bear all costs of any such refunding; shall keep accurate accounts in detail of all the amounts received by reason of the increased rates and charges effective as of December 14, 1970, for each billing period; and shall report (original and one copy) in writing and under oath, to the Commission monthly, for each billing period, the billing determinants of electric energy sold and delivered under the subject rate schedules, and the revenues resulting therefrom as computed under the rates in effect immediately prior to December 14, 1970, and under the rates and charges made effective by this order, together with the differences in the revenues so computed.

(F) The ElectriCities of North Carolina and the municipalities of Granite Falls, N.C., and Abbeville, Easley, Greer, Gaffney, and Rockyille, S.C., the North Carolina Electric Membership Corp., and Blue Ridge EMC, the Commissioners of Public Works, Greenwood, S.C.; and the State of North Carolina are hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided, however,* That participation of such interveners shall be limited to the matters affecting asserted rights and interests specifically set forth in the petitions to intervene: *And provided further,* That the admission of such interveners shall not be construed as recognition by the Commission that they or any of them might be aggrieved by any orders entered in this proceeding.

(G) Unless otherwise ordered by the Commission, Duke shall not change the terms or provisions of the subject rate schedules or of its presently effective rate schedules until this proceeding has been terminated or until the period of suspension has expired.

(H) Notices of intervention and petitions to intervene may be filed with the Federal Power Commission, Washington, DC 20426, on or before December 7, 1970, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.37).

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

APPENDIX A

DUKE POWER COMPANY

Rate Schedule Designations

Dated: October 21, 1970.
Filed: October 14, 1970.

Supplement No. to	Supersedes supplement No. to	Rate schedule FPC No.	Name of customer
5	2	27	Town of Huntersville, N.C.
4	1	28	City of High Point, N.C. (Main).
4	1	29	City of High Point, N.C. (Prospect Road).
5	2	32	City of Lexington, N.C. No. 1.
5	2	55	Town of Westminster, S.C.
12	2	131	Blue Ridge EMC (N.C.).
10	1	134	Davidson EMC (N.C.).
7	2	136	Haywood EMC (N.C.).
12	2	137	Pee Dee EMC (N.C.).
8	1	138	Piedmont EMC (N.C.).
20	2	139	Rutherford EMC (N.C.).
13	1	140	Surry-Yadkin EMC (N.C.).
10	2	141	Union EMC (N.C.).
26	2	142	Blue Ridge Electric Coop., Inc. (S.C.).
19	2	143	Broad River Electric Coop., Inc. (S.C.).
34	2	144	Laurens Electric Coop., Inc. (S.C.).
9	2	145	Little River Electric Coop., Inc. (S.C.).
23	2	146	York Electric Coop., Inc. (S.C.).
4	1	147	Lockhart Power Co. (Union, S.C.).
6	3	155	Town of Bostic, N.C.
5	2	163	Town of Due West, S.C.
4	1	169	Lockhart Power Co. (Pacolet, S.C.).
3		172	Town of Granite Falls, N.C.
3		173	City of Lexington, N.C. No. 2.
4		176	City of Morganton, N.C. No. 1.
3		178	City of Newton, N.C.

APPENDIX A—Continued

DUKE POWER COMPANY—continued

Rate Schedule Designations—Continued

Dated: October 21, 1970.
Filed: October 14, 1970.

Supplement No. to	Supersedes supplement No. to	Rate schedule FPC No.	Name of customer
4	1	185	The Electric Co. (Fort Mill), S.C.
3		186	Town of Dallas, N.C.
3		197	South Carolina Electric & Gas Co. (For town of Chappels, S.C.).
3		201	Town of Seneca, S.C.
3		212	City of Kings Mountain, N.C.
3		213	University of North Carolina, Chapel Hill, N.C.
5	1	215	Town of Drexel, N.C.
4		216	City of Morganton, N.C. No. 2.
3		218	City of Newberry, S.C.
3		220	The Electric Co., Inc. (Fort Mill), S. "Henley Road Delivery".
3		221	Clemson University, Clemson, S.C.
3		224	Town of Cherryville, N.C.
5	2	225	City of Albemarle, N.C.
8	2	226	City of Greer, S.C.
16	1	227	City of Gastonia, N.C., Del. Nos. 1-8.
12	3	228	City of Rock Hill, S.C., Del. Nos. 1 and 2.
5	2	229	Town of Lincolnton, N.C.
5	2	230	Town of Landis, N.C.
8	2	231	City of Abbeville, S.C.
5	2	232	Town of Cornelius, N.C.
5	2	233	Town of Davidson, N.C.
5	2	234	Town of Pineville, N.C.
10	7	235	City of Shelby, N.C., Del. Nos. 1-6.
5	2	236	Heath Springs Light and Power Co. (S.C.).
6	3	237	Town of Forest City, N.C., Del. Nos. 1 and 2.
6	3	238	City of Monroe, N.C., Del. Nos. 1 and 2.
6	3	240	City of Statesville, N.C.
9	2	241	City of Easley, S.C.
7	2	242	Town of Prosperity, S.C.
6	2	243	Commissioners of Public Works, Gaffney, S.C.
11	3	244	Commission of Public Works, Laurens, S.C. (Hampton and Caroline St.).
5	2	245	City of Concord, N.C.
4	3	246	Town of Maiden, N.C.
19	1	248	Crescent EMC (N.C.).
3	2	249	City of Clinton, S.C.
11	5	259	Commissioners of Public Works, Greenwood, S.C., Del. Nos. 1-4.

APPENDIX B

PROPOSED RATES

Schedule No. 10

For the first 125 kWh per kW billing demand per month:
- $4.45 for the first 100 kWh or less.
- 2.8 cents per kWh for the next 1,170 kWh.
- 2.3 cents per kWh for the next 1,730 kWh.
- 2.0 cents per kWh for the next 27,000 kWh.
- 1.8 cents per kWh for the next 30,000 kWh.
- 1.7 cents per kWh for the next 30,000 kWh.
- 1.4 cents per kWh for the next 910,000 kWh.
- 1.3 cents per kWh for the next 1,000,000 kWh.

For the next 275 kWh per kW billing demand per month:
- 0.8 cent per kWh for the first 140,000 kWh.
- 0.7 cent per kWh for the next 60,000 kWh.
- 0.6 cent per kWh for all over 200,000 kWh.

For all over 400 kWh per kW billing demand per month:
- 0.6 cent per kWh for the first 1,000,000 kWh.
- 0.53 cent per kWh for all over 1,000,000 kWh.

Schedule No. 11

For the first 400 kWh per kW of billing demand per month, or for the first 1,000,000 kWh per month, whichever is greater:
- 0.80 cent per kWh for the first 1,500,000 kWh.
- 0.75 cent per kWh for all over 1,500,000 kWh.

For all over 400 kWh per kW of billing demand per month, or for all over the first 1,000,000 kWh per month, whichever is greater:
- 0.60 cent per kWh for the first 1,000,000 kWh.
- 0.53 cent per kWh for all over 1,000,000 kWh.

[F.R. Doc. 70-16165; Filed, Dec. 4, 1970; 8:45 a.m.]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

BEATRICE POCAHONTAS CO. AND SOUTHERN ELECTRIC GENERATING CO.

Applications for Renewal Permits; Notice of Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Interim Mandatory Dust Standard (3.0 mg./m.³) have been received as follows:

(1) ICP Docket No. 10072, Beatrice Pocahontas Co., Beatrice Mine, USBM ID No. 44 00238 0, Keen Mountain, Buchanan County, Va., Section ID No. 002 (No. 2 Longwall—1st. North).

(2) ICP Docket No. 10840, Southern Electric Generating Co., Segco Mine No. 1, USBM ID No. 01 00347 0, Parrish, Walker County, Ala., Section ID No. 005 (1 Left 10 West), Section ID No. 007 (9 Left 120 Rooms Right), Section ID No. 010 (1 Left off 2 Left 045), Section ID No. 011 (2 Left 045 Heading), Section ID No. 012 (2 Left 045 Right Aircourses).

In accordance with the provisions of section 202(b)(4) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91-173), notice is hereby given that requests for public hearing as to an application for renewal may be filed within 15 days after publication of this notice. Requests for public hearing must be completed in accordance with 30 CFR Part 505 (35 F.R. 11296, July 15, 1970), copies of which may be obtained from the Panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Suite 800, 1730 K Street NW., Washington, DC 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

DECEMBER 2, 1970.

[F.R. Doc. 70-16357; Filed, Dec. 4, 1970; 8:47 a.m.]

MOUNTAINEER COAL CO. ET AL.

Applications for Renewal Permits; Notice of Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Interim Mandatory Dust Standard (3.0 mg./m.³) have been received as follows:

(1) ICP Docket No. 10227, Mountaineer Coal Co., Mine No. 34, USBM ID No. 46 01435 0, Fairmont, Marion County, W. Va., Section ID No. 001 (No. 2 Right), Section ID No. 002 (No. 1 North).

(2) ICP Docket No 10871, Loftis Coal Co., Loftis No. 1 Mine, USBM ID No. 15 02114 0, Toler, Pike County, Ky., Section ID No. 001 (Mains).

(3) ICP Docket No. 10072, Beatrice Pocahontas Co., Beatrice Mine, USBM ID No. 44 00238 0, Keen Mountain, Buchanan County, Va., Section ID No. 001 (No. 1 Longwall—South).

(4) ICP Docket No. 10329, Eastern Associated Coal Corp., Joanne Mine, USBM ID No. 46 01430 0, Rachel, Marion County, W. Va., Section ID No. 005 (1 Left—1 West).

(5) ICP Docket No. 10595, Jewell Ridge Coal Corp., H. M. McGlothlin Coal Co., USBM ID No. 44 00893 0, Jewell Valley, Buchanan County, Va., Section ID No. 001 (1st East).

In accordance with the provisions of section 202(b)(4) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91-173), notice is hereby given that requests for public hearing as to an application for renewal may be filed within 15 days after publication of this notice. Requests for public hearing must be completed in accordance with 30 CFR Part 505 (35 F.R. 11296, July 15, 1970), copies of which may be obtained from the Panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Suite 800, 1730 K Street NW., Washington, DC 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

DECEMBER 1, 1970.

[F.R. Doc. 70-16358; Filed, Dec. 4, 1970; 8:47 a.m.]

OLGA COAL CO. ET AL.

Applications for Renewal Permits; Notice of Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Interim Mandatory Dust Standard (3.0 mg./m.^{3}) have been received as follows:

(1) ICP Docket No. 10372, Olga Coal Co., Olga Mine, USBM ID No. 46 01407 0, Coalwood, McDowell County, W. Va., Section ID No. 004 (2 Left, 3 East).

(2) ICP Docket No. 10744, Hawley Coal Mining Corp., No. 1 Bottom Creek Mine, USBM ID No. 46 00709 0, Keystone, McDowell County, W. Va., Section ID No. 001 (2nd West), Section ID No. 003 (East Main).

(3) ICP Docket No. 11329, Monterey Coal Co., Monterey No. 1 Mine, USBM ID No. 11 00726 0, Carlinville, Macoupin County, Ill., Section ID No. 001 (No. 1 Shaft bottom layout—North).

(4) ICP Docket No. 10035, Westmoreland Coal Co., Hampton No. 3 Mine, USBM ID No. 46 01283 0, Clothier, Boone County, W. Va., Section ID No. 005 (2A East off 1 South), Section ID No. 004 (3A East off 1 South).

In accordance with the provisions of section 202(b)(4) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742 et seq., Public Law 91-173), notice is hereby given that requests for public hearing as to an application for renewal may be filed within 15 days after publication of this notice. Requests for public hearing must be completed in accordance with 30 CFR Part 505 (35 F.R. 11296, July 15, 1970), copies of which may be obtained from the Panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Suite 800, 1730 K Street NW., Washington, DC 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

DECEMBER 2, 1970.

[F.R. Doc. 70-16359; Filed, Dec. 4, 1970; 8:47 a.m.]

OFFICE OF EMERGENCY PREPAREDNESS

CALIFORNIA

Amendment to Major Disaster Declaration

The first paragraph of the Major Disaster Declaration for the State of California dated September 29, 1970, notice of which was published on October 14, 1970 (35 F.R. 16121), is amended to read as follows:

I have determined that the damages in those areas of the State of California, adversely affected by forest and brush fires and high winds beginning on or about September 22, 1970, and on or about November 13, 1970, are of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 81-875. I therefore declare that such a major disaster exists in the State of California. Areas eligible for Federal assistance will be determined by the Director of the Office of Emergency Preparedness.

The purpose of this amendment is to authorize Federal assistance for the County of San Bernardino to alleviate damages caused by forest and brush fires and high winds beginning on or about November 13, 1970.

Dated: December 2, 1970.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[F.R. Doc. 70-16375; Filed, Dec. 4, 1970; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[811-1590]

ADVANCED ANALYSIS FUND, INC.

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

DECEMBER 1, 1970.

Notice is hereby given that Advanced Analysis Fund, Inc. (Applicant), 20 West Ninth Street, Kansas City, MO 64141, a Delaware corporation registered as an open-end, diversified, management investment company under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations as set forth therein which are summarized below.

Applicant states that it registered under the Act on January 29, 1968, by filing both a Notification of Registration on Form N-8A and a Registration Statement on Form N-8B-1. No registration statement under the Securities Act of 1933 was filed however. Applicant states that no public offering or sale of its securities has been or is intended to be made and that Applicant has no shareholders.

Section 3(c)(1) of the Act excepts from the definition of investment company any issuer whose outstanding securities are beneficially owned by not more than 100 persons and which is not making and does not presently propose to make a public offering of its securities.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than December 21, 1970, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time later than said date as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 70-16370; Filed, Dec. 4, 1970; 8:48 a.m.]

[70-4949]

CENTRAL AND SOUTH WEST CORP. ET AL.

Notice of Proposed Issue and Sale of Notes

DECEMBER 1, 1970.

Notice is hereby given that Central and South West Corp. (Central), 300 Delaware Avenue, Wilmington, DE 19899, a registered holding company, and four of its public-utility subsidiary companies, Central Power and Light Co. (CP&L), Public Service Company of Oklahoma (Public Service), Southwestern Electric Power Co. (Southwestern), and West Texas Utilities Co. (West Texas) (collectively referred to as subsidiary companies), have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a), 6(b), 7, 9(a), 10, 12(b), and 12(f) thereof and Rules 43, 45, and 50(a)(5)(B) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Central proposes to issue and sell its unsecured notes to banks and to Lehman Commercial Paper Inc. (Lehman) and/or A. G. Becker & Co. Inc. (Becker), dealers in commercial paper, from time to time prior to June 30, 1972, in an aggregate face amount of not to exceed $50 million, outstanding at any one time. The commercial paper notes will have varying maturities of not more than 9 months after the date of issue and will be sold in varying denominations of not less than $50,000 and not more than $1 million. Such notes will be issued and sold by Central directly to Lehman and/or Becker at a discount which will be not in excess of the discount rate prevailing at the date of issuance for commercial paper of comparable quality and like maturities and at an interest cost which will not exceed the effective cost of money for unsecured prime commercial bank loans prevailing on the date of issue.

It is stated that no commission or fee will be payable in connection with the issue and sale of the commercial paper notes. The dealers, as principals, will reoffer such notes at a discount of ⅛ of 1 percent per annum less than the prevailing discount rate to Central to no more than 100 identified and designated customers of each dealer in lists (nonpublic) prepared in advance by the dealers. No additions will be made to these customers lists which consist of institutional investors. It is expected that Central's commercial paper notes will be held by customers to maturity, but, if customers wish to sell such notes prior thereto, the dealers, pursuant to verbal repurchase agreements, will repurchase such notes and reoffer them to others in the group of 100 customers on each list. At final maturity, the commercial paper notes will be paid by Central from the repayment of loans made to the subsidiary companies and from other internal sources.

The application-declaration states that, in the event that borrowings from banks would produce a lower cost of money to Central than the issue of its commercial paper, Central proposes to issue its notes to banks in an amount not to exceed 50 million at any one time outstanding, including the principal amount of its commercial paper then outstanding. The proposed notes will be issued to a group of banks in the maximum principal amounts at any one time outstanding noted below:

The First National Bank of Chicago, Ill.	$15,000,000
Bankers Trust Co., New York, N.Y.	15,000,000
Bank of Delaware, Wilmington, Del.	2,800,000
Harris Trust and Savings Bank, Chicago, Ill.	10,000,000
Continental Illinois National Bank and Trust Company of Chicago, Ill.	7,200,000
Total	50,000,000

The bank notes will be dated the date each such borrowing is made, will mature on a date not more than 12 months from the date thereof, will bear interest from the date thereof to maturity at an interest cost to Central which will not exceed the prime rate of interest prevailing at such bank on the date each such borrowing is made, and will be subject to prepayment by Central in whole at any time or in part from time to time, without premium or penalty. None of the proposed bank borrowings will be made under a credit agreement or contract. At final maturity, the notes will be repaid by Central from the repayment of loans made to the subsidiary companies and from other internal sources.

The proceeds from the sale of the commercial paper notes and bank notes will be added to Central's treasury funds and together with other cash resources will be advanced to the subsidiary companies from time to time in the maximum amounts as shown below, except that the aggregate of such advances will not exceed $55 million at any one time outstanding.

CP&L	$25,000,000
Public Service	25,000,000
Southwestern	25,000,000
West Texas	15,000,000

All loans proposed to be made by Central to the subsidiary companies will be evidenced by promissory notes of the borrowing company dated as of the date of the borrowing, bearing interest at a rate of ½ of 1 percent less than the then current prime rate of interest in effect at The First National Bank of Chicago, maturing 1 year from the date of borrowing (but no such note shall have a maturity later than the final maturity date of Central's commercial paper or bank notes), and prepayable in whole or in part at any time without premium or penalty. The borrowing subsidiary companies expect to repay the loans from Central by funds generated internally and by permanent financing, the nature, timing, and extent of which is not yet determined.

The proposed borrowings from Central will temporarily finance part of the costs of the 1971 construction programs of the subsidiary companies which are estimated as follows:

CP&L	$55,000,000
Public Service	26,000,000
Southwestern	42,000,000
West Texas	9,000,000
Total	132,000,000

Central will determine the cost to it of the commercial paper and bank borrowings made pursuant to this application-declaration, and the differences, if any, between the cost of such borrowings to Central and the interest paid to Central by each of the subsidiary companies will be adjusted to such cost from time to time. No adjustment will be made in the interest rate paid by the subsidiary Companies to Central in respect of Central's internal funds expected to be lent to such companies.

Central further requests exemption of the sale of its commercial paper notes from the competitive bidding requirement of Rule 50 pursuant to section (a)(5)(B) thereof because (a) the nature of the commercial paper market makes it impractical to invite offers on a competitive bidding basis for commercial paper notes; (b) the proposed notes are of such maturities and of such interest costs as not to require competitive bidding for the protection of investors or consumers and are in the public interest; and (c) the current rates of commercial paper notes of prime issuers are published daily in responsible financial publications thereby assuring competitive marketing conditions.

It is stated that the aggregate principal amount of the commercial paper and notes proposed to be issued by Central and by the subsidiary companies as set forth herein shall be exclusive of and in addition to the aggregate principal amount of the promissory notes which each such company is entitled to issue pursuant to the 5 percent exemption provision contained in section 6(b) of the Act.

The filing states that no commitment or other fees are to be paid by Central or any of the subsidiary companies in connection with the proposed transactions. The services of counsel are covered by annual fees payable under retainer agreements with Central and the subsidiary companies. It is estimated that other expenses to be incurred by Central and the subsidiary companies in connection with the proposed transactions will not exceed $500. It is further stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than December 17, 1970, request in writing that a hearing be held on such matter,

stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 70-16371; Filed, Dec. 4, 1970; 8:48 a.m.]

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

DECEMBER 1, 1970.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period December 2, 1970 through December 11, 1970, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 70-16368; Filed, Dec. 4, 1970; 8:48 a.m.]

[File No. 812-2849]

MUTUAL BENEFIT LIFE INSURANCE CO. ET AL.

Notice of Application for Exemption

NOVEMBER 30, 1970.

Notice is hereby given that Mutual Benefit Variable Contract Account—2 (the Account), a registered unit investment trust under the Investment Company Act of 1940 (the Act); The Mutual Benefit Life Insurance Co. (Mutual Benefit Life), the sponsor and depositor of the Account; and Mutual Benefit Financial Service Co. (FISCO), 520 Broad Street, Newark, NJ 07101, principal underwriter for the Account (herein collectively called Applicants), have filed an application pursuant to section 6(c) of the Act for an order exempting Applicants, to the extent set forth below, from sections 12(d)(1), 22(d), 26(a) and 27(c)(2) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Mutual Benefit Life is a mutual life insurance company organized under the laws of New Jersey. The Account is a separate account of Mutual Benefit Life established pursuant to a resolution of the Board of Directors of Mutual Benefit Life, adopted on February 5, 1969. It is designed to serve as a funding medium for variable annuity contracts to be issued and administered by Mutual Benefit Life, including group tax-qualified variable annuity contracts (the Contracts). The Contracts provide for retirement payments and other benefits for employees and self-employed persons covered under plans qualified under section 401 or 403 of the Internal Revenue Code of 1954, as amended (the Code). Under the Contracts, purchase payments may be accumulated before retirement, and annuity payments may be received after retirement, on a variable or fixed basis, or both. Variable accumulations and variable annuity payments will be funded through the Account which will invest in shares of Mutual Benefit Fund (Benefit Fund), a registered open-end diversified management investment company. FISCO, a wholly owned subsidiary of Mutual Benefit Life, is a registered broker-dealer under the Securities Exchange Act of 1934.

Section 12(d)(1), in pertinent part, makes it unlawful for any registered investment company owning less than 25 percent of the outstanding voting stock of another registered investment company to acquire securities issued by such other investment company, if, as a result of the acquisition, the registered investment company will own more than 3 percent of the outstanding voting stock of such other investment company where the policy of such other company is not the concentration of investments in a particular industry or group of industries. Subparagraph (B) of section 12(d)(1) excepts from the prohibition any purchase of investment company securities made with the proceeds of payments on periodic payment plan certificates, pursuant to the terms of the trust indenture under which such certificates are issued.

Applicants represent that the Account may acquire more than 3 percent of the shares of Benefit Fund at a time when it owns less than 25 percent of such shares. The Account will not be eligible for the section 12(d)(1)(B) exception because, as a separate account, it is not authorized under New Jersey insurance law to hold moneys in trust. Thus, the Contracts would not be insured pursuant to a trust indenture.

Applicants request an exemption from section 12(d)(1) to permit such acquisitions of the securities issued by Benefit Fund. Applicants submit that the requested exemption from section 12(d)(1) would not give rise to the abuses which section 12(d)(1) was designed to prevent. Applicants further submit that, in view of the requirements of New Jersey law, the framework under which the Account will operate will afford its participants protections equivalent to those which would have been afforded had the Contracts been issued under a trust indenture.

Section 22(d), in pertinent part, makes it unlawful for a registered investment company, its principal underwriter, and dealers to sell its redeemable securities except at a current public offering price described in the company's prospectus.

Applicants request exemptions from section 22(d) to permit the Contracts to be sold with certain provisions, described below, that would constitute variations in current public offering price:

a. An exemption is requested to permit a scale of reduced charges under the Contracts applicable to a participant's aggregate purchase payments, regardless of whether his accumulation is on a variable or fixed basis, or both. Applicants contend that this contract provision, together with the transfer provision described in b., below, will afford each participant maximum flexibility for maintaining what he considers to be a proper investment balance.

b. An exemption is requested to permit the application of moneys in a participant's fixed accumulation account to provide for (i) accumulation units during the accumulation period or (ii) a variable annuity upon retirement, without the imposition of a sales charge. These moneys will have been subject to sales charges equal to those which would have been paid into the Account.

c. An exemption is requested to permit the application of a death benefit received by a beneficiary under a Contract to provide for a variable annuity, without the imposition of a sales charge. The benefit would be provided by the participant's purchase payments which will have been subject to sales charges in connection with the participant's accumulation.

d. An exemption is requested to permit the crediting of any purchase payment made under a Contract, either for accumulation units or for variable annuities, with moneys accumulated under certain other life insurance and fixed annuity contract issued by Mutual Benefit Life, without the imposition of a sales charge. Such other contracts will be those which are issued in connection with a plan qualified under section 401 or 403 of the Code. In all cases, the moneys accumulated under these contracts will have been subject to sales charges equal to those which would have been imposed had they originally been paid into the Account.

e. An exemption is requested to permit participants to participate in the divisible surplus of Mutual Benefit Life. Applicants state that participation in the divisible surplus is a traditional method for a mutual insurance company to pass on a portion of the surplus, attributable to particular contracts, to the participants thereunder. Applicants represent that Mutual Benefit Life does not believe that it is feasible to determine what portion of any such surplus reflects solely lower sales expenses, and what portion reflects lower administrative expenses or more favorable mortality experience, all of which factors can vary with each particular Contract. Furthermore, Applicants submit that it is not possible to determine, in advance, the amount of any surplus.

f. An exemption is requested to permit a one-time enrollment fee of up to $15 which is deducted from the first purchase payment made for each participant. The enrollment fee is designed to cover the nonrecurring expenses of processing each participant's enrollment form, including, the setting up of the participant's permanent records. Each Contract will specify the amount of the enrollment fee, based on Mutual Benefit Life's appraisal of the anticipated expenses of the group covered under a particular Contract. The amount of the enrollment fee will be less than $15 only to the extent that Mutual Benefit Life anticipates that it will incur lower expenses due to (a) the economies of scale arising from the size of a particular group or (b) the performance of processing operations by the contract holder which Mutual Benefit Life would otherwise be required to perform. Applicants submit that, because the enrollment fee is designed only to recoup certain nonrecurring expenses, variations in the enrollment fee are necessary to avoid charging more than the expenses anticipated for the particular groups covered.

Sections 26(a) and 27(c)(2): Sections 26(a) and 27(c)(2) of the Act, in pertinent part, prohibit a depositor or principal underwriter for a registered unit investment trust from selling any security issued by the trust, unless the proceeds of all payments, other than sales load, are deposited with a qualified bank as custodian and are held by the custodian under an agreement which provides (1) that the trustee shall have possession of all property of the trust and shall segregate and hold the same in trust, (2) that the trustee shall not resign until either the trust has been liquidated or a successor bank has been appointed, (3) that the trustee may collect from income and, if necessary, from the corpus of the trust fees for services performed and reimbursement of expenses incurred, and (4) that no payment to the depositor or principal underwriter shall be allowed the trustee as an expense except a fee, not exceeding such reasonable amount as the Commission may prescribe, for performing bookkeeping and other administrative services delegated to the depositor or principal underwriter.

Applicants assert that the use of a bank as custodian by the Account would be unnecessary and, accordingly, have requested exemption from the provisions of sections 26(a) and 27(c)(2). The assets of the Account will consist only of shares of Benefit Fund which will be issued under an open account arrangement evidenced by entries in the books of Benefit Fund and the Account rather than by transferable stock certificates. Applicants also assert that any custodian would necessarily be in the position of having to follow Mutual Benefit Life's instructions with respect to purchases and sales for the purpose of maintaining the Account's assets at levels defined by New Jersey law and determined on an actuarial basis, with the custodian having no way to verify, on the basis of its own expertise, whether the instructions are accurate.

Applicants further submit that the requested exemptions will not give rise to the abuses which sections 26(a) and 27(c)(2) were designed to prevent. Mutual Benefit Life has engaged in business since 1845 and is presently the 14th largest life insurance company in the nation based on total assets at December 31, 1969, of $2.5 billion. The operations of Mutual Benefit Life are regulated by the Department of Banking and Insurance of the State of New Jersey. Under New Jersey law, Mutual Benefit Life may not abandon its obligations to the Account's participants until they have been fully discharged. In addition, the officers, directors and employees of Mutual Benefit Life are covered by a fidelity bond in the amount of $2 million. Applicants assert that under these circumstances, a custodian offers little significant protection against the orphanage of the Account that is not afforded by Mutual Benefit Life itself.

Applicants have consented that any order granting the requested exemptions may be subject to the conditions (i) that the charges under the Contracts for administrative services shall not exceed such reasonable amounts as the Commission shall prescribe, and that the Commission shall reserve jurisdiction for such purpose, and (ii) that the payment of sums and charges out of the assets of the Account shall not be deemed to be exempted from regulation by the Commission by reason of the requested order. However, Applicants' consent to these conditions shall not be deemed to be a concession to the Commission of authority to regulate the payment of sums and charges out of such assets, other than for administrative services, and Applicants reserve the right, in any proceeding before the Commission or in any suit or action in any court, to assert that the Commission has no authority to regulate the payment of such other sums and charges.

Section 6(c) authorizes the Commission to exempt any person, security, or transactions, from the provisions of the Act and Rules promulgated thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is hereby given that any interested person may, not later than December 14, 1970, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted; or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit, or in the case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered), and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 70-16355; Filed, Dec. 4, 1970; 8:47 a.m.]

[File No. 500-1]

PICTURE ISLAND COMPUTER CORP.

Order Suspending Trading

DECEMBER 1, 1970.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Picture Island Computer Corp. (a New York corporation), and all other

securities of Picture Island Computer Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period December 2, 1970, through December 4, 1970, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 70-16369; Filed, Dec. 4, 1970; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 202]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 1, 1970.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 591 (Sub-No. 11 TA) filed November 24, 1970. Applicant: LINCOLN-DIXIE FREIGHT LINES, INC., 9400 South Bennett Avenue, Chicago, IL 60617. Applicant's representative: Anthony T. Thomas, 1811 West 21st Street, Chicago, IL 60608. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Foodstuffs,* canned or preserved, not frozen, from the distribution and warehouse facilities of H. J. Heinz Co. at Bridgeview, Ill., to Appleton, Baraboo, Beloit, Brookfield, Burlington, Eau Claire, Green Bay, Janesville, LaCrosse, Little Chute, Madison, Manitowoc, Marshfield, Milwaukee, Neenah, New Berlin, Schofield, Sheboygan, Stevens Point, Waukesha, Waupun, and West Allis, Wis., for 180 days. Supporting shipper: Heinz U.S.A., Division of H. J. Heinz Co., Post Office Box 57, Pittsburgh, PA 15230. Send protests to: Robert G. Anderson, District Supervisor, Bureau of Operations, 219 South Dearborn Street, Chicago, IL 60604.

No. MC 30837 (Sub-No. 413 TA) filed November 24, 1970. Applicant: KENOSHA AUTO TRANSPORT CORP., 4200 39th Avenue, Post Office Box 160, 53141, Kenosha, WI 53140. Applicant's representative: Albert P. Barber (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Trucks, truck tractors, chassis, and station wagon type vehicles on truck chassis designed to transport passengers and property* with or without bodies or parts thereof, in secondary movements, in truckaway service, from Selkirk, N.Y., and points within 20 miles thereof, to points in Connecticut, Massachusetts, New Hampshire, New York, Rhode Island and Vermont. Restriction: The authority granted immediately above is restricted to the transportation of vehicles manufactured or assembled at the International Harvester Co. plants at Fort Wayne, Ind., Springfield, Ohio; San Leandro, Calif., and Chatham, Ontario, Canada, which have had prior movement by rail or truck, for 180 days. Supporting shipper: International Harvester Co., 401 North Michigan Avenue, Chicago, IL 60611 (J. M. Gamble, General Traffic Manager). Send protests to: District Supervisor Lyle D. Helfer, Bureau of Operations, Interstate Commerce Commission, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 88203 (Sub-No. 5 TA) filed November 24, 1970. Applicant: OTIS WRIGHT & SONS, INC., Box 817, 1127 East Albert Street, Lima, OH 45802. Applicant's representative: Earl Merwin, 85 East Gay Street, Columbus, OH 43215. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Auto parts and other articles necessary for the production of motor vehicles,* between Lima, Ohio, on the one hand, and, on the other, Kosciusko, Miss. for 180 days. Supporting shipper: Superior Coach Corp., Lima, Ohio 45802. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5234 Federal Office Building, 234 Summit Street, Toledo, OH 43604.

No. MC 109994 (Sub-No. 38 TA) filed November 24, 1970. Applicant: SIZER TRUCKING, INC., Post Office Box 97, Rochester, MN 55901. Applicant's representative: K. O. Petrick, (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products, packinghouse products, meat byproducts, and articles distributed by meat packinghouses* as set forth in sections A and C, *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 from Scottsbluff, Nebr., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, for 180 days. Supporting shipper: Geo. A. Hormel & Co., Austin, Minn. Send protests to: District Supervisor A. N. Spath, Interstate Commerce Commission Bureau of Operations, 448 Federal Building & U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 113678 (Sub-No. 411 TA), filed November 24, 1970. Applicant: CURTIS, INC., Post Office Box 16004, Stockyards Station, Denver, CO 80216 (Commerce City). Applicant's representative: David Metzler (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen meats,* from Omaha, Nebr., to Jersey City, N.J., Rochester, N.Y., Washington, D.C., Boston, Mass., Pittsubrgh, and Philadelphia, Pa., for 180 days. Supporting shipper: Omaha Steaks International, 4400 South 96th Street, Omaha, NE 68134. Send protests to: District Supervisor Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver CO 80202.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[F.R. Doc. 70-16379; Filed, Dec. 4, 1970; 8:49 a.m.]

[Notice 203]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 2, 1970.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 113678 (Sub-No. 410 TA) filed November 24, 1970. Applicant: CURTIS, INC., Post Office Box 16004 Stockyards Station, Denver, CO 80216 (Commerce City). Applicant's representative: David

Metzler (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, from plantsite or storage facilities of Sterling Colorado Beef Co., Sterling, Colo., to points in Minnesota, for 180 days. Supporting shipper: Sterling Colorado Beef Co., Sterling, Colo. Send protests to: Herbert C. Ruoff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, CO 80202.

No. MC 114533 (Sub-No. 222 TA) filed November 24, 1970. Applicant: BANKERS DISPATCH CORP., 4970 South Archer Avenue, Chicago, IL 60632. Applicant's representative: Stanley Komosa (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Processed and unprocessed film, prints, slides, audio and video tapes, including motion picture film, and materials and supplies used in connection with commercial and television motion pictures; audit media and other business records; and graphic arts materials*, having a prior or subsequent movement by air, between the Seattle-Tacoma International Airport, King County, Wash., on the one hand, and, on the other, Bellingham, Wash., for 180 days. Supporting shipper: K.V.O.S. Television Corp, 1151 Ellis Street, Bellingham, WA 98225. Send protests to: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Chicago, IL 60604.

No. MC 119968 (Sub-No. 4 TA), filed November 24, 1970. Applicant: A. J. WEIGAND, INC., 1008 North Tuscarawas Avenue, Dover, OH 44622. Applicant's representative: Paul F. Beery, 88 East Broad Street, Suite 1660, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Spent activated carbon*, in dump trucks, from Dover, Ohio, to Covington, Va., for 180 days. Supporting shipper: Union Camp Corp., Harchem Division, 1600 Valley Road, Wayne, NJ 07470. (Reply to: Post Office Box 220 Dover, OH 44622.) Send protests to: A. M. Culver, District Supervisor, Interstate Commerce Commission, 255 Federal Building and U.S. Courthouse, 85 Marconi Boulevard, Columbus, OH 43215.

No. MC 126956 (Sub-No. 5 TA), filed November 24, 1970. Applicant: NORTHLAND TRANSPORT, INC., 1803 42d Avenue East, Superior, WI 54880. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul, MN 55114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen prepared foodstuffs*, from the plantsite and storage facilities of Royal Pantry Foods, Inc., at Madelia, Minn., to points in Wisconsin, Michigan, Indiana, and Illinois, for 150 days. Supporting shipper: Royal Pantry Foods, Inc. Minneapolis, Minn. Send protests to: District Supervisor A. E. Rathert, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 128634 (Sub-No. 4 TA), filed November 24, 1970. Applicant: FIRST SCOTT STREET CORPORATION, 3900 Orleans Street, Detroit, MI 48207. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts*, from Allentownship, Hillsdale County, Mich., to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New York, Ohio, Pennsylvania, Rhode Island, Vermont, West Virginia, and Virginia, for 180 days. Supporting shipper: Great Markwestern Packing Co., 1825 Scott Street, Detroit, MI 48207. Send protests to: District Supervisor Melvin F. Kirsch, Bureau of Operations, Interstate Commerce Commission, 1110 Broderick Tower, 10 Witherell, Detroit, MI 48226.

No. MC 129480 (Sub-No. 3 TA), filed November 24, 1970. Applicant: TRILINE EXPRESSWAYS LTD., Post Office Box 5245, Station A, 550 71st Avenue SE., Calgary, AB Canada. Applicant's representative: Hugh Sweeney, 2718 Third Avenue North, Post Office Box 1321, Billings, MT 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building materials, lumber and lumber products, iron and steel articles, including scrap metal, and fertilizers;* between the ports of entry on the international boundary line between the United States and Canada, located on the border of Washington and Idaho, and points in Washington, Oregon, and Idaho, and (2) *building materials*, between ports of entry on the international boundary line, between the United States and Canada located on the border of Minnesota and points in Minnesota, for 180 days. Supported by: There are approximately 16 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Paul J. Labane, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 251, U.S. Post Office Building, Billings, MT 59101.

No. MC 135101 (Sub-No. 1 TA), filed November 24, 1970. Applicant: RONALD D. KARAM, doing business as U.S. SIGN TRANSPORT CO., 264 Grace Avenue, Akron, OH 44320. Applicant's representative: Bernard S. Goldfarb, 1625 The Illuminating Building, 55 Public Square, Cleveland, OH 44113. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electric illuminated outdoors signs*, uncrated, from Akron, Ohio, to points in the United States, including Alaska, for 180 days. Supporting shipper: Bellows Signs, Division of Ibec, 861 East Tallmadge, Akron, OH 44310. Send protests to: District Supervisor G. J. Baccel, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, OH 44199.

No. MC 135106 (Sub-No. 1 TA), filed November 24, 1970. Applicant: D. DONNELLY LIMITED, 191 Murray Street, Montreal 3, PQ Canada. Applicant's representative: W. Norman Charles, 80 Bay Street, Glens Falls, NY 12801. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Refractory products*, from ports of entry on the international boundary line between the United States and Canada at or near Champlain and Trout River, N.Y., to Albany, Alsen, Catskill, Cementon, Glens Falls, Howes Cave, Hudson, Jamesville, Kingston, Ravena, and Troy, N.Y., for 180 days. Supporting shipper: Canadian Refractories, Ltd., Canada Cement Building, Montreal, PQ Canada. Send protests to: District Supervisor Martin P. Monaghan, Jr., Interstate Commerce Commission, Bureau of Operations, 52 State Street, Room 5, Montpelier, VT 05602.

No. MC 135114 TA, filed November 24, 1970. Applicant: HAROLD EDMUND LEATHERS, doing business as HAROLD LEATHERS TRUCK SERVICE, 640 Carol, Vidor, TX 77662. Applicant's representative: Robert E. Barnes, 2315 Calder, Post Office Box 5093, Beaumont, TX 77706. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Bakery products*, from Beaumont, Tex., to Lake Charles and Lafayette, La., for 180 days. Supporting shipper: ITT Continental Baking Co., Inc. (Richard B. Cortland, General Traffic Manager), Post Office Box 731, Rye, NY 10580. Send protests to: District Supervisor John C. Redus, Bureau of Operations, Interstate Commerce Commission, Post Office Box 61212, Houston, TX 77061.

No. MC 135115 TA, filed November 24, 1970. Applicant: PROVINVIAL OIL CARRIERS CO. LTD., 6360 Notre Dame Street East Montreal 427, PQ Canada. Applicant's representative: William D. Traub, 10 East 40th Street, New York, NY 10016. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fuel oils, liquid asphalt, and gasoline*, in bulk, in tank vehicles, from the international boundary line between the United States and Canada located in New York, Vermont, New Hampshire, and Maine, to points in New York, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island, for 180 days. Supporting shippers: BP Oil, Ltd., 1245 Sherbrooke Street West, Montreal 109, PQ Canada. Canadian Import—Weaver Fuels, 5250 de Maisonneuve Boulevard West, Montreal 260, PQ Canada. County Asphalt, Inc. Cooney Building, 129 Main Street, Tarrytown, NY 10591. Golden Eagle Canada Ltd., 1155 Dorchester Boulevard West, Montreal 102, PQ Canada. Petrofina Canada, Ltd. 1 Place Ville Marie, C.P. 3006 Station B, Montreal 113, PQ Canada. Shell Canada, Ltd., Box 430, Station B, Montreal, PQ Canada. Send protests to: District Supervisor Martin P. Monaghan, Jr., Interstate

Commerce Commission, Bureau of Operations, 52 State Street, Room 5, Montpelier, VT 05602.

No. MC 135116 TA, filed November 24, 1970. Applicant: RELIABLE TRANSFER COMPANY a corporation, 121 East Jackson Avenue, Knoxville, TN 37902. Applicant's representative: Monty Schumacher, 2045 Peachtree Road NE., Suite 310, Atlanta, GA 30309. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Used household goods,* as defined by the Commission, and *unaccompanied baggage* and personal effects, between points in Anderson, Blount, Campbell, Carter, Claiborne, Cocke, Cumberland, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Knox, Loudon, McMinn, Monroe, Roane, Sevier, Sullivan, Unicoi, Union, and Washington Counties, Tenn., Bel alnd Whitley Counties, Ky., Lee, Scott, Washington, and Wise Counties, Va., and Ashe, Avery, Cherokee, Graham, Haywood, Madison, Mitchell, Swain, and Watauga Counties, N.C. Restriction: The opertaions authorized herein are subject to the following conditions; said operations are restricted to the transportation of traffic having a prior or subsequent movement, in containers, except as to unaccompanied baggage and personal effects, beyond the points authorized. Said operations are restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic for 180 days. Supporting shipper: U.S. Government. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 803 1808 West End Building, Nashville, TN 37203.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[F.R. Doc. 70-16380; Filed, Dec. 4, 1970; 8:49 a.m.]

[Notice 622]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 2, 1970.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

F.D. No. 26358. By order of November 30, 1970, the Motor Carrier Board approved the transfer to Customs Forwarders, Inc., Chicago, Ill., of the operating rights in the Amended permit and order in No. FF-119 and FF-119 (Sub-No. 1) issued January 26, 1951, authorizing operations as an interstate freight forwarder as follows: (1) Commodities generally, from points in the New York, N.Y., commercial zone as defined by the Commission, to points in the Chicago, Ill., commercial zone, as defined by the Commission; (2) commodities generally, when consigned for export, from points in the Chicago, Ill., commercial zone, to New York, N.Y., and (3) commodities generally, when imported or consigned for export, between points in the Chicago, Ill., commercial zone, on the one hand, and, on the other, San Francisco, Calif., New Orleans, La., Seattle, Wash., and Vancouver, British Columbia, Canada (insofar as such transportation takes place within the United States). Harold F. Spencer and Thomas F. McFarland, 20 North Wacker Drive, Suite 1034, Chicago, IL 60606, attorneys for applicants.

No. MC-FC-72381. By order of November 27, 1970, the Motor Carrier Board approved the transfer to Green Brook Transportation Co., Inc., Green Brook, N.J., of the operating rights in certificates Nos. MC-75981 and MC-75981 (Sub-No. 10) issued August 16, 1965, and June 21, 1967, to Watt Transport, Inc., Providence, R.I., authorizing the transportation of general commodities, with usual exceptions, between Boston, Mass., and Newark, N.J., serving specified intermediate and off-route points in Rhode Island, Connecticut, New Jersey, and New York; between Providence, R.I., and Boston, Mass., serving specified intermediate and off-route points; between points in Suffolk and Middlesex Counties, Mass., on the one hand, and, on the other, points in Connecticut, Massachusetts, and Rhode Island; between points in Massachusetts, and between points in New Jersey north of the southern boundaries of Mercer and Monmouth Counties, N.J., on the one hand, and, on the other, New York, N.Y.; and numerous specified commodities, including cardboard, waste paper, wire, rods, cable, candy making and bakery machinery, materials and supplies used by textile manufacturing plants, and heaters, from and to, or between specified points in New Jersey, New York, Massachusetts, Rhode Island, and Connecticut. A. David Millner, 744 Broad Street, Newark, NJ 07102, and Francis E. Barrett, 60 Adams Street, Milton, MA 02187, attorneys for applicants.

No. MC-FC-72437. By order of November 30, 1970, the Motor Carrier Board approved the transfer to Brandywine Waste Paper Corp., Downingtown, Pa., of the operating rights in permits Nos. MC-73756 and MC-73756 (Sub-No. 11) issued May 14, 1956, and December 7, 1967, to David Ginsburg, Sarah Ginsburg Singer, Tillie Moore, and Morris Singer, a partnership, doing business as Waste Motor Haulage Co., Downingtown, Pa., authorizing the transportation of paperboard, from Downingtown, Pa., to Cleveland, Ohio, Marlboro, and Holyoke, Mass., points in the Boston, Mass., commercial zone, Norfolk, Va., Ranson, W. Va., and Batavia, Buffalo, Canandaigua, East Rochester, Egypt, Niagara Falls, North Tonawanda, Rochester, Warsaw, and Webster, N.Y.; paperboard, fiberboard, and pulpboard, from Downingtown, Pa., to points in Rhode Island, and those in Massachusetts, except Marlboro, Holyoke, and points in the Boston, Mass., commercial zone, and paperboard and paperboard products, from Downingtown, Pa., to Washington, D.C., and points in Connecticut, Delaware, Maryland, New Jersey, New York, and Virginia, within 250 miles of Downingtown, Pa., Paul Ribner, 400 Penn Square Building, Philadelphia, PA 19107, attorney for applicants.

No. MC-FC-72441. By order of November 25, 1970, the Motor Carrier Board approved the transfer to Beyond Express, Inc., Merrick, N.Y., of the operating rights in certificate No. MC-99756 (Sub-No. 2) issued August 23, 1966, to C. & C. Donnelly Trucking Corp., Freeport, N.Y., authorizing the transportation of general commodities, with exceptions, between New York, N.Y., on the one hand, and, on the other, points in Nassau County, N.Y. John R. Remis, Jr., 611 Newbridge Road, East Meadow, NY 11554, attorney for transferee.

No. MC-FC-72507. By order of November 30, 1970, the Motor Carrier Board approved the transfer to William Kavalec, Jr., doing business as Cleveland Cartage Service, Cleveland, Ohio, of certificates Nos. MC-80998 (Sub No. 1) and MC-80998 (Sub No. 2) issued to Pregrave Bros., Inc., Cleveland, Ohio, authorizing the transportation of: Steel drums and pails, between points in Illinois, Indiana, Kentucky, New York, Ohio, Pennsylvania, and West Virginia. Earl N. Merwin, attorney, 85 East Gay Street, Columbus, OH 43215. John P. McMahon, attorney, 100 East Broad Street, Columbus, OH 43215.

No. MC-FC-72509. By order of November 30, 1970, the Motor Carrier Board approved the transfer to Solar Rest, Inc., Trenton, N.J., of the operating rights in Permits Nos. MC-111495 (Sub-No. 3) and MC-111495 (Sub-No. 6) issued January 16, 1963, and April 22, 1964, to Aquilino Transport Co., Inc., Trenton, N.J., authorizing the transportation of new furniture, except upholstered furniture, from New Bedford, Mass., Columbus, Ga., Brooklyn, N.Y., Elmore, Ohio, North Wilkesboro, N.C., Union City, Pa., and Weirton, W. Va., to points in Alabama, Arkansas, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; materials, supplies, and equipment used in the manufacture and shipping of new furniture, from points in 13 States to New Bedford, Mass.; new furniture, except upholstered furniture, from Trenton, N.J., to points in 10 States and the District of Columbia, and from South Plainfield, N.J., to points in 10

States and the District of Columbia. Raymond A. Thistle, Jr., Suite 1012, Four Penn Center Plaza, Philadelphia, PA 19103.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[F.R. Doc. 70-16381; Filed, Dec. 4, 1970; 8:49 a.m.]

[Notice 622A]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 2, 1970.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-72517. Dual operations are involved. By order of December 2, 1970, the Motor Carrier Board approved the transfer to Barry Transfer & Storage Co., Inc., Milwaukee, Wis., of permit No. MC-6031 (Sub-No. 34), MC-6031 (Sub-No. 36), MC-6031 (Sub-No. 38), and MC-6031 (Sub-No. 42) and certificates Nos. MC-123765 and MC-123765 (Sub-No. 2) issued to Barry Transfer & Storage Co., a corporation, Milwaukee, Wis., authorizing the transportation of: Various commodities of a general commodity nature, between points in Wisconsin, Illinois, Michigan, Iowa, Minnesota, Ohio, and Kentucky. William C. Dineen, 710 North Plankinton Avenue, Milwaukee, WI 53204, attorney at law.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[F.R. Doc. 70-16451; Filed, Dec. 4, 1970; 8:51 a.m.]

[Notice 622B]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 3, 1970.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-72506. By order of December 2, 1970, the Motor Carrier Board approved the transfer to Bursch Trucking, Inc., Albuquerque, N. Mex., of the operating rights in permits Nos. MC-115524 (Sub-No. 2), MC-115524 (Sub-No. 4), and MC-115524 (Sub-No. 10) issued June 7, 1968, December 15, 1961, and June 6, 1968, respectively, to William P. Bursch, doing business as Bursch Trucking, Albuquerque, N. Mex., authorizing the transportation of lumber, between Albuquerque, N. Mex., and Winslow, Ariz., on the one hand, and, on the other points in Arizona, Utah, Colorado, New Mexico, and those in Texas, Oklahoma, and Kansas on and west of U.S. Highway 77 and between Albuquerque, N. Mex., on the one hand, and, on the other, points in that part of Kansas, Oklahoma, and Texas east of U.S. Highway 77; lumber and molding from points in New Mexico to points in Arizona, Arkansas, Colorado, Kansas, Missouri, Oklahoma, Texas, and Utah, and from points in Las Animas, Rio Grande, Conejos, Archuleta, La Plata, Costilla, and Montezuma Counties, Colo., and Navajo and Coconino Counties, Ariz., to points in Arkansas, Kansas, Missouri, New Mexico, Oklahoma, Texas, and Utah; and livestock, feed, farm implements, and supplies and equipment incidental to the raising of livestock, between points in New Mexico, on the one hand, and, on the other, points in Texas, Oklahoma, Colorado, and Kansas. Wayne C. Wolf, Suite 820, Simms Building Albuquerque, NM 87101, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[F.R. Doc. 70-16452; Filed, Dec. 4, 1970; 8:51 a.m.]

CUMULATIVE LIST OF PARTS AFFECTED—DECEMBER

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during December.

1 CFR

Page

PROPOSED RULES:
16 ... 18297

3 CFR

EXECUTIVE ORDERS:
6143 (revoked in part by PLO 4948) ... 18379
6276 (revoked in part by PLO 4948) ... 18379
6583 (revoked in part by PLO 4948) ... 18379

5 CFR

213 ... 18322, 18369
353 ... 18505

7 CFR

15 ... 18382
20 ... 18384
51 ... 18257
319 ... 18385
907 ... 18385, 18447
910 ... 18505
971 ... 18261
1064 ... 18447
1121 ... 18448
1126 ... 18448
1425 ... 18261
1483 ... 18505
PROPOSED RULES:
723 ... 18400
724 ... 18400
730 ... 18286
905 ... 18475
917 ... 18537
953 ... 18475
1040 ... 18401
1120 ... 18287
1121 ... 18287
1126 ... 18287
1127 ... 18287
1128 ... 18287
1129 ... 18287
1130 ... 18287

9 CFR

76 ... 18262, 18313
204 ... 18262

10 CFR

20 ... 18385
50 ... 18385, 18469

12 CFR

201 ... 18450
224 ... 18369
329 ... 18314
563 ... 18506
PROPOSED RULES:
740 ... 18533

14 CFR

21 ... 18450
37 ... 18450
39 ... 18372, 18451–18454
71 ... 18454, 18455, 18506–18509
73 ... 18274

14 CFR—Continued

Page

97 ... 18314, 18509
207 ... 18274
PROPOSED RULES:
39 ... 18475
71 ... 18476
75 ... 18402, 18476

15 CFR

368 ... 18315
369 ... 18316
370 ... 18316
372 ... 18316
373 ... 18316
376 ... 18317
386 ... 18317
387 ... 18317

16 CFR

501 ... 18510

17 CFR

230 ... 18456
240 ... 18456, 18510
249 ... 18512
PROPOSED RULES:
239 ... 18477

18 CFR

PROPOSED RULES:
2 ... 18402
3 ... 18324
11 ... 18324
32 ... 18324
33 ... 18324
34 ... 18324
35 ... 18324
36 ... 18324
45 ... 18324
157 ... 18402
159 ... 18324

19 CFR

6 ... 18265
8 ... 18265
10 ... 18265, 18369
11 ... 18265
12 ... 18265
18 ... 18265
21 ... 18265
23 ... 18265
25 ... 18265
171 ... 18265
172 ... 18267
PROPOSED RULES:
4 ... 18284
6 ... 18284
8 ... 18284
15 ... 18284
18 ... 18284
123 ... 18284

21 CFR

120 ... 18370, 18512, 18513
121 ... 18269, 18370, 18458
135c ... 18458
135g ... 18458
146a ... 18270
146b ... 18272

21 CFR—Continued

Page

146c ... 18513
148e ... 18513
148f ... 18522
148t ... 18459
PROPOSED RULES:
15 ... 18530
120 ... 18531
125 ... 18475

24 CFR

203 ... 18522
207 ... 18523
213 ... 18523
220 ... 18523
221 ... 18523, 18524
232 ... 18523
234 ... 18523
235 ... 18523
236 ... 18524
241 ... 18524
1000 ... 18524
1100 ... 18524
1914 ... 18459
1915 ... 18460

25 CFR

PROPOSED RULES:
15 ... 18392

26 CFR

13 ... 18524
20 ... 18461
25 ... 18461
31 ... 18525
48 ... 18525
PROPOSED RULES:
1 ... 18389, 18391, 18537
13 ... 18391

28 CFR

0 ... 18467
45 ... 18526

29 CFR

103 ... 18370
870 ... 18526

30 CFR

503 ... 18274

32 CFR

52 ... 18371
67 ... 18277
68 ... 18277
88 ... 18277
244 ... 18277
269 ... 18277
274 ... 18277
1480 ... 18270
1712 ... 18313

32A CFR

BDC (Ch. VI):
BDC Notice 3 ... 18279
DMS Order 4, Dir. 1 ... 18527
DMS Order 4, Dir. 2 ... 18527
DPS Reg. 1 ... 18528